

TO THE CITIZENS OF MARYLAND - BALTIMORE, 1820



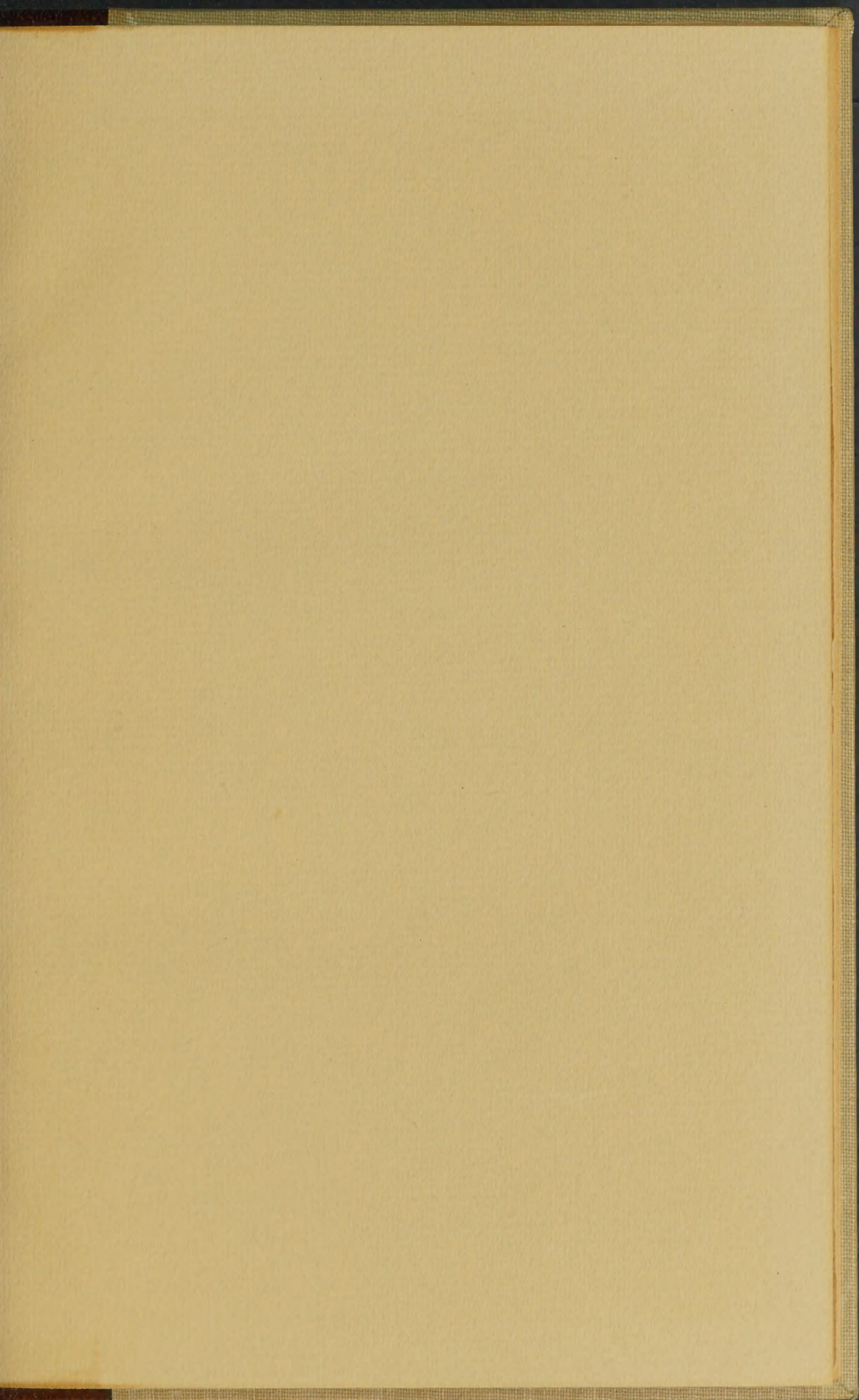


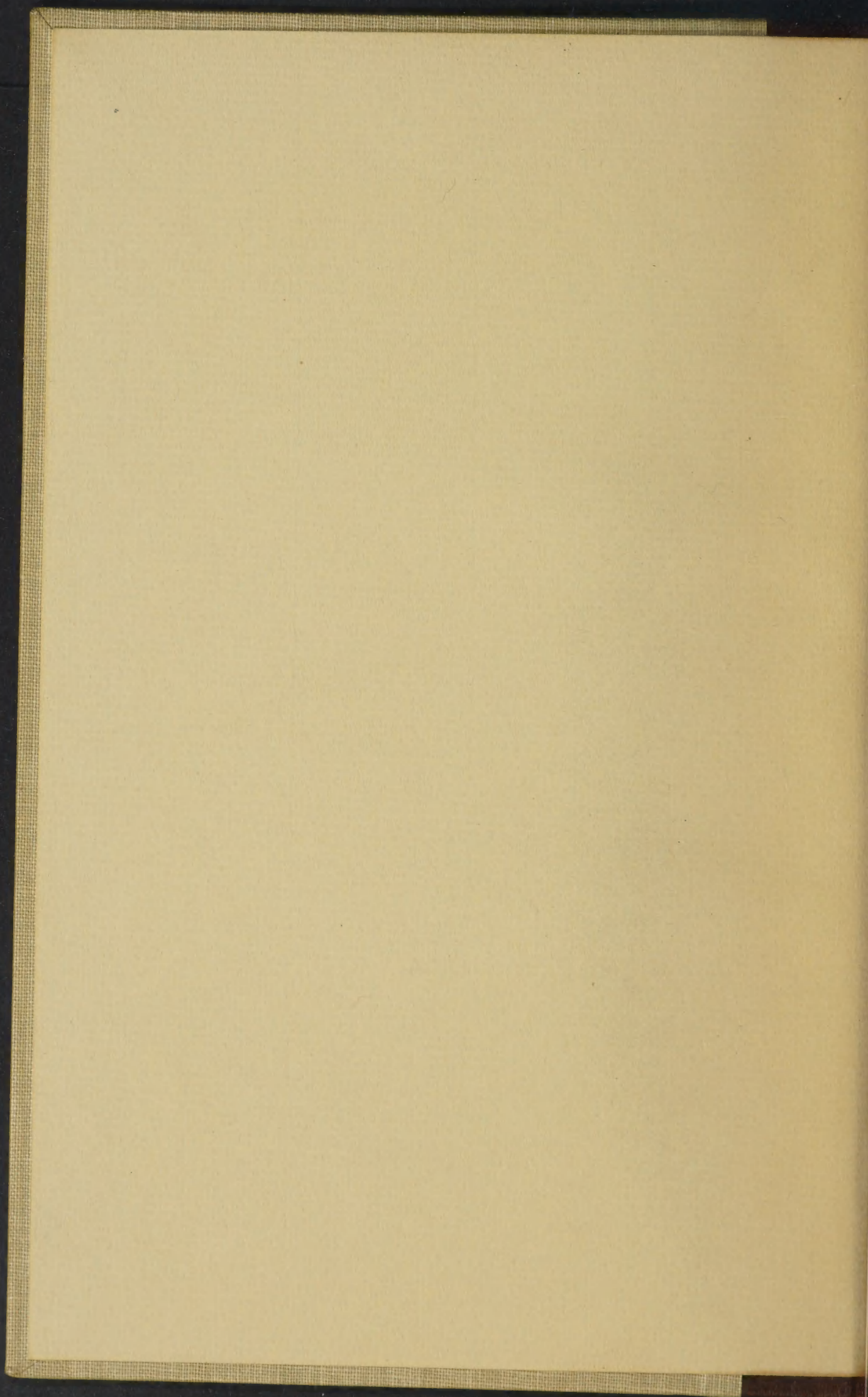


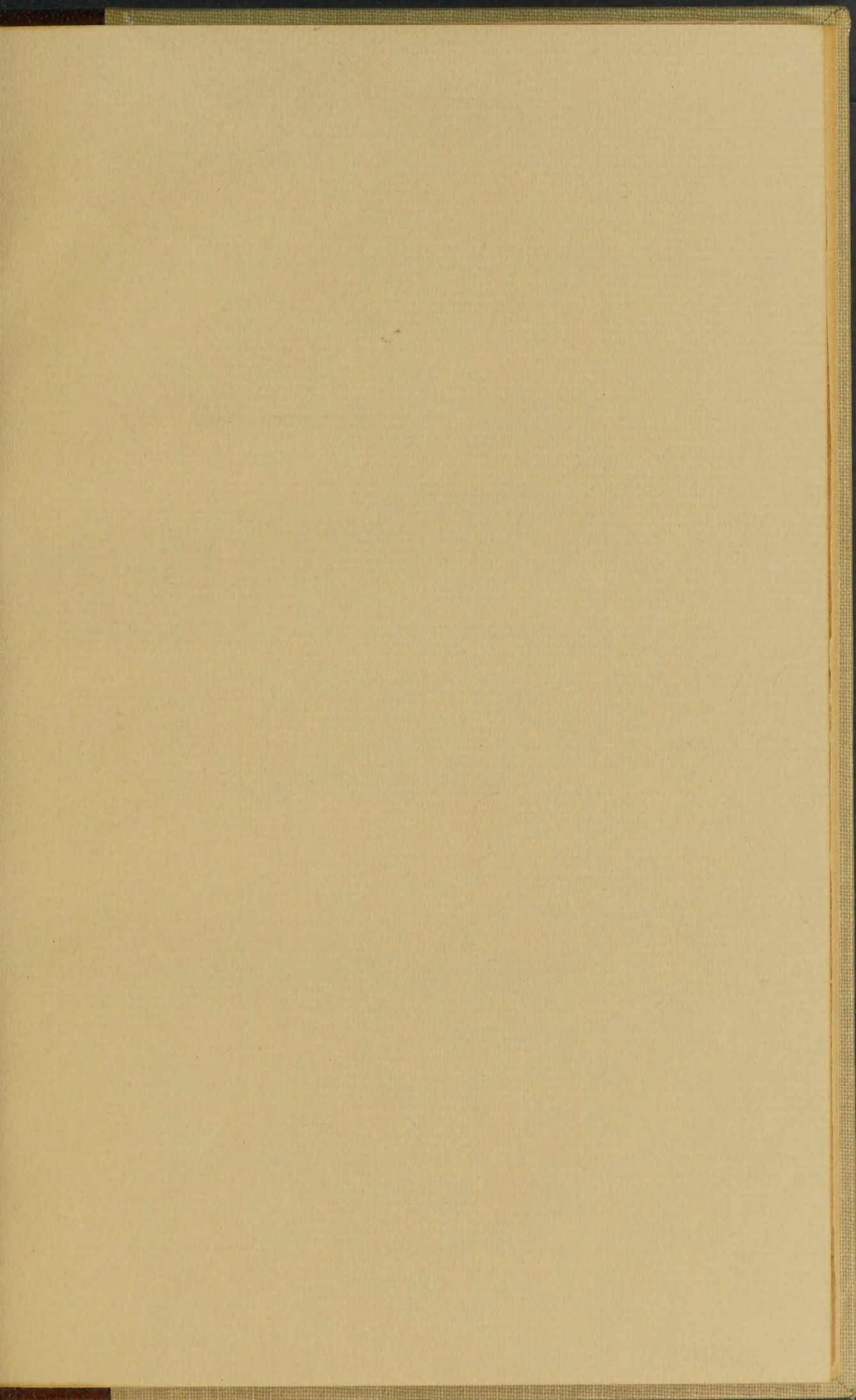
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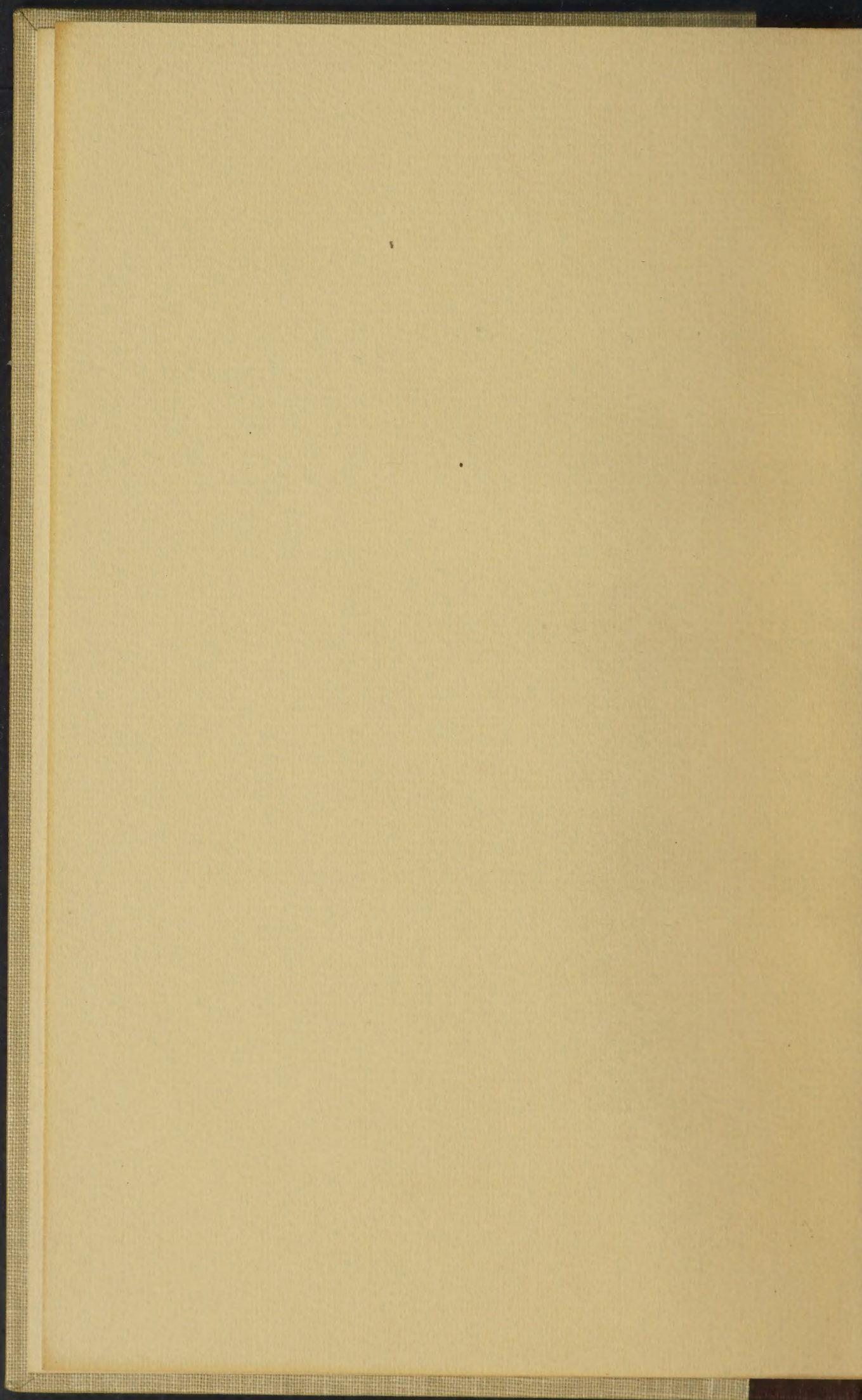
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ADDRESS

TO THE

FREE AND INDEPENDENT CITIZENS

OF

MARYLAND;

AND PARTICULARLY

THE

CITIZENS OF THE COUNTY AND CITY

OF

BALTIMORE,

BEING A STATEMENT OF FACTS, AND A BRIEF EXPOSITION OF
CHARTERED MONOPOLY, USURPATION AND OUTRAGE,
UNDER THE

SANCTION OF LAW.

BALTIMORE.

.....
1820.

PREFACE.

Fellow Citizens,

It was expected that the General Assembly would have passed the annexed supplement; and assurances were subsequently given, by our opponents, that arrangements were making to meet your just expectations.—Added to these reasons, I have waited the result of some legal decisions, which I hoped might settle the difficulties under which you have so long suffered—but I have been disappointed. These causes will, however, account for the delay in publishing the following documents until the present time.

I am well aware of the pitiful subterfuges and despicable means which have been resorted to for the purpose of intimidating us,—but I heed them not. Your cause is just, and their threats pass by “like the idle wind.”—You will not give up your privileges, nor tamely submit to imposition; or surrender a single right to which you are legally entitled, while there is either law or equity to protect them.

To bring before you a statement of transactions, which are a disgrace to our state, I will call your attention to the opinion of one of the Justices of the Peace for the County of Baltimore, together with the subsequent remarks. They will serve to explain the causes of many of our grievances of which we justly complain. They will shew too, how our rights have been violated; how justice has been tampered with, and the plain provisions of the law evaded! Read them attentively, and if you are then satisfied with this state of things, I will not reproach you. You ought to be your own

judges upon this subject, and if *you* are willing to submit to impositions so gross and flagrant, I am content. But, for myself, I will use the civil privileges which yet remain, and among them is the right of suffrage, and the privilege of addressing my countrymen through the medium of a free press.

FROM THE FEDERAL GAZETTE.

LAW-CASE.

GOWAN versus MILLER.

THIS Case was tried before FRANCIS D. CUMMINS, Esq. a Justice of the Peace for Baltimore County. The defendant is the gate-keeper of Gate No. 1. on the Reister's-town Turnpike Road; the plaintiff resides in Baltimore, but owns a small farm adjacent to the road, within two miles of the Turnpike gate No. 1. His claim was for the return of *thirteen and a half cents*, which he had paid as *toll* for passing through the gate, and which he contended had been illegally claimed. There were several other cases for trial against the same gate-keeper, at the suit of the same plaintiff, for similar claims. The justice, after hearing the testimony and the arguments on behalf of each party, gave the following opinion and judgment:

“For the satisfaction of the parties, I have consented to state my reasons for the judgment I shall give in this case. The plaintiff rests his claim on three grounds:—1st, That the road has not been licensed, as required by the charter of the company; 2nd, That it has been condemned by two inquisitions, held at sundry times on different parts of it, and has not since been repaired; and 3rd, That the toll claimed and received was more than the rate for the distance used. As to the first point, there is no doubt or hesitation, the fact of the governor's license being proved by its production before me, on the part of the Turnpike Company.—In reference to the second point, it appears to me, by proper evidence, that the inquisition held on the road from Gate No. 1 to the 3 mile stone, had been quashed by the court possessing competent jurisdiction, to which it was returned as directed by law. In relation to this inquisition, and the condemnation of that part of the road on which it was held, my opinion must be given in entire obedience to the decision of the county court. As to the inquisition held on the road from town to Gate No. 1, and the condemnation under it, it would seem that it was never completed in the manner the law requires, either by its not being returned to the court, or if returned, the court has never taken upon it the proceedings directed by law. The conclusion, then, is, both

inquisitions became a *caput mortuum*, and are rendered null and void *ab initio*: consequently, in the eye of the law, those parts of the road were not under condemnation, nor did the right to demand and receive the toll cease, whether the road was in good or bad repair. On what grounds the court quashed the former inquisition, or why it did not act on the latter, if returned, is not for me to enquire. I cannot reverse the decision of that court, nor call on it to answer for its omissions, supposing there were any. As to the third point, demanding and receiving more toll than the distance used, I am of opinion, that the law contemplates, as complete justice, that which is practicable under all the circumstances of the case. Any interpretation of the law which would result in absurdities or impracticabilities, must be erroneous. To reach the nicety of abstract justice, calculations must be made on fractions of distances, not only of half miles, but down to yards, feet, and inches; which would lead to endless decimal and vulgar fractions, for which no coin that I know of, would furnish the requisite change.

Such are the palpable absurdities which (judge Nicholson says) the legislature could never have meant. If it were otherwise, the Turnpike Companies would be compelled to employ as gate-keepers, men profoundly skilled in mathematics. The only intelligible and rational rule, is, the division of a road into a given number of sections, each having a gate established on any point of it, where the traveller shall pay the toll for that section. What the law means by "any greater or less distance," is, the distance between the gates, and not fractions of miles, half miles, &c.—This is supported by the judicial decision of judge Nicholson. On this determinate rule, if a gate-keeper would demand and receive at a gate more toll for the section than is charged at such a gate, he would then come under the meaning of the law for taking illegal toll, and suffer penalty—only, though, by indictment, and not by suit or warrant before a justice of the peace. In this case, the fact of his "knowingly taking" could be easily proved—but in no other. It would seem to comport with common justice, to receive toll only for the distance actually used, in a few particular cases,—such as where a residence adjacent to the road is well known, between which and a gate the distance could be certainly ascertained, and which the rateable toll could be permanently fixed. In all other cases, the mere *ipsi dixit* of the traveller would have to be taken, which would possibly operate, in many instances, to the great injury of the company. But partial courts

ought not to constitute the rule for the general application of the principle of the law. It must rest with the wisdom of companies, in such particular cases, to adopt some measure, if deemed necessary, to meet them. Therefore, on the whole premises, judgment is rendered for the defendant, with costs of suit.

FRANCIS D. CUMMINS.

The plaintiff in the above case, John Gowan, has obtained three other warrants against the gate-keepers—one for *four and a half cents*, which was tried before the same justice—one for thirty six and three fourths cents, which was tried before John Page, Esq. on which the cost amounted to four dollars and fifty-three cents—and one for four and a half cents, also before justice Page, cost fifty-eight cents. All these were decided in the same way as the first case.

Fellow Citizens,

IN compliance with my intimation, in the papers of Monday, the 13th inst. I now present you with a few remarks, connected with which, I will give you some most stubborn facts. You will then have both sides of the question. The decision I leave to your good sense. The remarks, whoever wrote them, which were introduced to you, as a *head* and *tail* to the opinion of Francis D. Cummins, Esq I would pass by unheeded as unworthy of notice, were it not for the pitiful sneer at my "little farm"—How many of the 'first blood' were engaged in arranging and preparing those remarks, which,

"Meaning, means not, and blunders round a meaning,"

is of no serious import to you or me. But the very thing which has been thus treated with contempt, a "small farm," has been the object of your peculiar attention and respect, and a strong excitement to exertion, to obtain justice for those citizens who have "small" farms. *They* are among the number of severe sufferers. *They* feel the rod of oppression. It is not the wealthy citizen, who rolls in affluence, and who enjoys all the comforts and luxuries of this life that money can purchase.—No: it is such men as Isaac Carpenter and his "small farm"—James Downes and his "small farm;" with Thomas Burford, and hundreds of

others, and their "small" farms, that attracted your attention, roused your keenest sympathies, and caused your determination to procure a correction of abuses. Before I drop the *writer* or *writers* of the remarks, I think it proper to state, that I did not know of any "arguments on behalf of each party," and as respects *testimony*, the two for whom summonses were taken out on Monday, did not appear on Thursday morning, at least during the trial, if I may use the term. It is true, R. Winder, Esq. was there, and supported the character of the gentleman. It is also true, that there was an *opinion* there, ready written, cut and dry, and to which I will presently turn my attention. Before I do so, I must return my thanks for the information given you, of the amount of *costs* I had to pay! It will serve as one of the many documents, as well as the "inquisition," which will appear in the pamphlet intended to be published by the committee.— You will then see the judgments obtained against the companies. You will then see, that a *poor man* sued a company for an illegal receipt of toll; that he got judgment against it, and you will see, that, to this day, neither the illegal toll, nor *costs* have been paid him, nor the fine of \$20 paid to the county! I was, it is true, *nonsuited*. I paid the costs. Thus dismissing the *head* and *tail*, I shall now proceed to take a cursory view of the *body*—the *official opinion* of Francis D. Cummins, Esq. In doing this, I am aware of the delicacy necessary, and assure you that it shall not be handled *too* roughly, nor a wound probed that can be avoided without danger to the patient. I shall, with that intent, give you legal opinions (*not ready written ones*) diametrically, and point blank, in opposition to his. I shall quote pertinent sections of the law, and *en passant*, indulge myself with the liberty of making a few remarks. In his prefatory sentence, he says, "I have *consented* to state my reasons, &c."—They were in writing! It was somewhat novel, indeed—but there is nothing new under the sun!—But pray, who asked him for his *reasons*, in writing? I did not. Who, then, were the parties that did ask? and for what purpose? I thought it required the plaintiff, on the one hand, and the defendant on the other, to constitute *the parties*. In this instance, the plaintiff was not one of the parties. I beg you to look at it, fellow citizens, and form an opinion for yourselves; I ask your serious attention. Why was not the written opinion of David Williamson, jr. Esq. requested and published by those parties, when I obtained judgment against them? Why not publish that they refunded near five dollars, for toll taken from me, in one

week? Why not publish the opinions of David Morrison, Esq. of F. Gourdon, Esq. and of Conrad Hook, Esq. before whom judgments were obtained against them? Why not publish the opinion of Thomas W. Griffith, Esq. before whom Mr. Thomas Burford obtained judgment for illegal exaction of toll, with costs, and also a fine of \$20, to the use of the county? and none of which has yet been paid Why not publish that John Page, Esq. did issue an execution—yea—a committal, to take the same gate-keeper to gaol, for taking toll for a greater distance than used?—Justices Frey and Israel gave judgments in their favor, by saying that they had no jurisdiction over the fine of \$20. Why not publish *their* opinions? Why not publish that they did authorise a gentleman of the first respectability, to inform us, at the meeting at Govane's Town, (and Francis D. Cummins, Esq. was present) that they, the companies, were making arrangements to meet the wishes and expectations of the public, on fair and honourable grounds? Why not publish that one of their presidents did, afterwards, acknowledge the correctness of that statement? Why not publish that I stayed sundry suits that I was about prosecuting, on the strength of that assurance? And why not publish, that, by that very assurance, I was prevented from proceeding in having a new inquisition on the road? Need I extend interrogations? It would be a waste of time and trespass on your patience.

Of the three reasons given, the first is, that I, "the plaintiff," took the ground that "the road has not been licensed." I say that I did not rest my claim, in the suit, on which the opinion was given, "on the road not being licensed." It was therefore irrelative, superfluous, and not a question requiring an opinion. The case was simply this, I was plaintiff, and Mr. Elijah Miller, keeper of Gate No. 1, on the Baltimore and Reister's-town Turnpike Road, was defendant; my claim was for 13½ cents for toll, taken from me, as I believed, illegally. I grounded my claim on the 17th, 20th and 26th sections of the law incorporating certain road companies; and not only so, but on the act of assembly of 1791, wherein the jurisdiction of a justice of the peace is defined, see 2d. Kilty, Nov. sess. 1791, chap. 68, or Hall's Justice, fo. 116. The first jurisdiction is *debt*; the second *covenant*; and the third, *assumpsit*.—What is *assumpsit*? "This is an action which lies, in all cases, where the defendant is obliged, by ties of equity and justice, to refund money which he may have received of the plaintiff, or to pay it, if the plaintiff has a legal right to the same. It lies therefore, to recover back money paid under

a mistake, or in pursuance of a *void authority*; or for money obtained from any one by extortion, imposition, oppression, or taking any undue advantage of the partie's situation, or other matter." As I considered the money taken from me, at the gate, after the road was condemned, and not being repaired in a lawful manner, to be received from me, under a *void authority*; I, in consequence, expected it would be returned. But, supposing the authority was not *void*, I still did expect that the proportionate toll over and above two miles, would have been refunded.—Remember, the *Head* says, that my "little farm is two miles from the Gate No. 1." The fact, however, of the condemnation of the road, by an inquisition held thereon; the fact that the gate was thrown open, and that toll "did cease" to be demanded and received, and the fact that the road has never yet been put in good and perfect order and repair—I say those facts are proved—To whom then could I go to obtain justice, on assumpsit, or on the 20th section of the law? They would have laughed at me, if I had gone to the presidents of the road companies! my only refuge then, was the office of a justice of the peace.

I will proceed to his second reason. It is not, nor has it been, that I know of, denied that the *second inquisition* was "*quashed*" in the county court. But I will ask, was it *quashed* on a trial of facts, or merely on a point of law, whether the written instrument was formal or informal? It was argued, alone on the latter, and not on facts. I will here beg leave to observe, as invidious remarks have been made, that the conduct of the honorable court was such as has, and I believe ever will be its characteristic—a nicety in its decisions, on points of law and all other judicial subjects that may come before it. With regard to the council for the defendant, if I were able, I would pay him a compliment for the talent, ability, and very gentlemanly deportment apparent through the whole of the proceedings. But you will please bear in mind, that the defendants stood before the court, if found guilty, subject to fines and penalties, if not misdemeanors. The object then, and the duty of the council for the defendants, was to prevent a hearing on the facts. The council for the state did urge a trial on the facts, and elicited a degree of intelligence, perseverance and attention to your interests, which did them great credit. They, as well as you, regretted that the cause was not suffered to go before the jury.

But was the first inquisition *quashed*? It was held on the 2nd September, 1819, and was served on the judge by Samuel Frey,

Esq. who proved the service on oath. Can it be null and void then, because it is not found on the docket of the clerk of the county court? Where is the section of the law which makes it necessary, or enjoins it as a duty of the judge? I cannot find that section in the law. Read the 26th section. If the road be found by the inquisitors, *not to be* "in good and perfect order and repair, tolls shall "cease" to be demanded. They *did cease to demand toll* for some time. Was not this evidence, "factum factum," and "ab initio," that, not only *conscientiously*, but *legally*; it was unjust to *ask, demand, or receive toll* until the road was repaired, according to law? The law provides the manner of condemnation. *Then*, "tolls shall cease." When that condemnation or inquisition reaches the judge, the question then rests on fines and penalties. It rests then with the higher tribunals, and the justice has no authority whatever over *them*. Shall toll, I ask, continue to be exacted from us for months, nay, perhaps for years, until a trial can be had in the county court? Or, say from thence in the court of appeals, although the roads may be almost impassable, or the gates shut against us, and we have no redress?—Common sense would not permit such an *absurd* stranger to her table. The law intended, and provides a remedy; and the gentlemen of the legislature, who granted the charter, and passed that law, would scowl into the lowest recesses of contempt, any individual who would presume to impute to them a *vacancy* of mind—a want of understanding, of good sense, a dereliction of duty, or a deviation from the highway of justice. No—They had a steadfast eye to that object, stern *justice*; and did order the Goddess (if I may use the expression) to be put up at every gate!!!—In the present case, the court did not say whether toll should, or should not be received. It gave an opinion, on the informality of an instrument of writing. From the Turnpike Road law of 1787, down to 1805, and those subsequent, you will find a definite and cautious respect for your rights and interests, on this subject—turnpike roads. You surrendered part of your property, and agreed to pay certain sums of money, provided you received an equivalent, viz—good roads. Your surrender of certain rights, was on the condition that others should be inalienable and infeasible. These were,

1st.—That you should be furnished with roads, kept "in good and perfect order and repair," and that when *that* should not be the case, tolls should "cease."

2nd.—If you lived within three miles of a gate, you were not to pay more than once in twenty-four hours.

3rd.—You were to pay a certain sum for every ten miles, and *only* so in proportion, for any greater or lesser distance.

4th.—That for your information, the scale of justice should be put up at every gate; but to return:

A gentleman, a president of one of the road companies, did acknowledge that the inquisition was held—the road condemned, and not yet put into that repair which the law requires! *It* was made in a magistrate's office too! Do I want any more, or any stronger evidence? I will ask here, do we not, when we approach the office of a justice of the peace, expect that we are entering the sanctuary of justice? We do.

The opinion says, "my opinion must be in entire obedience to the decision of the county court;" very well, be it so. For my part, I will ever most cheerfully obey the decisions of all justices, judges and courts; but, at the same time, will, while I live, maintain an opinion of my own. The right is guaranteed to me by the constitution of this state, and of the United States.

Now, as long as a Justice of the Peace has no jurisdiction over an Inquisition, from the moment it is handed to the Judge, where then has he authority under the law? Not over the court. Is it not, then, on the facts proved before him? As the *written* Inquisition does not come before him; as the law directs it to go to the Judge, (not the justice) he has no more controul over it than he has over a cause pending before the Supreme Court of the United States, whether the Princess of Wales (that was) shall be crowned Queen of England, or a Bashaw have *one* or *three* Tails. As then, he had no jurisdiction over the court, nor the *written* Inquisition, and if he could not take cognizance of the facts, why not, like 'Squires Frey and Israel, dismiss it? I may strip it, however, of its borrowed plumage before I quit it.

I beg your attention to the following:—Look at this!! "or if returned, the Court has never taken upon it the proceeding DIRECTED by law." What! the Court *directed*, (and by law too) to take upon it the proceeding! This—this is the unkindest cut of all, "if returned." Samuel Frey, Esq. has proved on oath, that it was returned, and the return was admitted in the Office, and in the presence of Francis D. Cummins, Esq. on the morning of trial, (9th March.) How would it then read? Not "if," but it was "returned," and "the court has never taken upon it the proceeding *directed by law*."

I wish you to bear in mind, that the opinion was read, (not written) and judgment given, after the defendant and his council

admitted the return! Then why say "if." Delicacy forbids further remarks on this *very delicate* subject. I am of the opinion, however, that if I had made use of the same language, I would not have been complimented with the highest encomiums, of having evinced "an extent of intelligence and ability," nor that I deserved "credit as a correct Logician;" probably something less agreeable would have taken place before this time.

Are you not now satisfied that the inquisition was held—that the road was condemned, and that the inquisition was served on the judge? The opinion says "the court has never taken upon it the proceeding directed by law." Why not, I leave for the honorable the judges of the court, and the author of the Opinion to decide.

Before I drop this part of the subject, it may not be improper to apprise you, that the defendants and their counsel requested and obtained a summons from Francis D. Cummins, Esq. for the judge, to bring him, the judge, to appear before the said Francis D. Cummins, Esq. as an evidence in this case! Did they wish him to prove a negative? Did they wish him to prove that the inquisition was not served on him, and that Samuel Frey, Esq. was of consequence *a perjured* magistrate? Or did they wish to obtain evidence from himself, that "if returned, the court has never taken upon it the proceeding directed by law?" I presume they found to their mortification, the odd predicament into which they had hobbled—the dilemma into which they had blundered. They did not (at least they say so) serve the summons on the judge: at any rate he did not appear. Error ever carries with it a rod, and sooner or later whips itself.

I will here introduce, as they are closely connected and well worthy of notice, a few facts, and defy contradiction. On Saturday, 4th March, a meeting was held at Govan's-town, when we were assured of the disposition to *conciliate*. On Monday, the 6th, the parties (I mean the plaintiff and defendants,) met at the office of Francis D. Cummins, Esq. on account of the suits then and there to be tried, viz: John Gowan vs. Elijah Miller, and the same vs. Zach. Stansbury. The defendants and counsel prayed time to afford them an opportunity to bring judge Dorsey forward as an evidence, and took a summons for him. The cause was then ruled for Thursday at 10 A. M. Neither the honorable judge, nor the other witness appeared; at least whilst the plaintiff and defendants were present. How could the justice then have heard their testimony? was it given *ex parte*? I would wish

to believe not. A young gentleman with a docket, and I presume from the office of the clerk of the County Court, was there and questioned. It was said that the inquisition was not to be found in it. What next occurred?—*the opinion popped out of the desk in the twinkling of an eye!* It was not written to occur demonstration, after the testimony was heard *that morning!* It was not written after hearing the testimony of the two citizens, for whom summonses were issued on Monday, they did not appear. No, but as if touched with a magic wand, up sprung the lid of the desk, and out jumped the body!!—I suppose the poor *Head* and *Tail* were in old Charon's leaky boat, and the crusty old fellow employed in bailing it out with his time-worn paddle. Whatever it may have been, however, that attached the *Head* and *Tail* to the body, must be esteemed "*para cum paribus et nobile fratrium.*" I wish I had the gift of metamorphosing my ideas into writing, like the speed of thought! I would get a patent for it, I think. I do say it, and all present can prove it, that the justice did not write a sentence of the opinion which he read after he heard the evidence, on the morning of the 9th of March!!

I will proceed a little farther—I caution you to beware, however. "The conclusion then is, both Inquisitions became a *Caput mortuum*, [a dead Head] and are rendered null and void ab initio [from the beginning.] It then reads that the "Inquisition became a *dead head*, and "is rendered null and void;" from the *beginning*, how does it happen that it became a *dead head*? Read the opinion. Was it interred without ceremony, or embalmed, in order that it might be a *trio* in the *Royal Obsequies!*—I am still, however, of the opinion, that its ghost is wandering about the Turnpike Roads, and will meet you at the gates, inviting a *tete-a-tete* at the offices of Justice.

Again—"Nor did the right to demand toll cease, whether the Road was in good or bad repair." Does the 26th Section mean any thing? I front and beard it with the opinion.

The Opinion says, "if *returned*, is not for me to enquire."—How, then, if he did not *enquire*, did he gain the information?—How could he pronounce the sentence? Judge ye!! I must repeat, that the inquisition was served on the judge, and the justice was satisfied of the fact! Look again at the opinion: "To reach the nicety of *abstract justice*, calculations must be made on *fractions* of distances."—Who, in the name of common sense, ever thought of paying for *thirty* miles instead of for *three* or *five* miles? Are not five miles a fraction of thirty? If the learned and "intelligent"

writer of the Opinion had taken the trouble (I presume he did) of reading the laws on this subject, from 1787 down to the present period, he would have perceived, unless a "caput mortuum" stared him in the face like a "raw head and bloody bones," that miles, and fractions of miles have been invariably recognized.—The law of 1805 says, "for ten miles, or any greater or lesser distance." And what does the act of 1809, incorporating a company to make a turnpike road from Frenchtown to Newcastle, say? "For every space of *five* miles, and *so in proportion* for any *greater* or *less* distance." Compare this with *ten* miles, and any *greater* or *lesser* distance. I ask, when toll is to be paid for *ten* miles, or any *greater* or *lesser* distance, how much toll ought to be paid for *five* miles, or any *greater* or *lesser* distance? Is the greater, or lesser distance, without a meaning? Nothing but sordid interest could chain and fetter common sense, and make her dumb and deaf to an affirmative answer. What is it? plain as a pike staff. Five is less than ten, and two less than five: then, the lesser is *two*, and is the distance to be paid for—not for *ten*.

The Opinion goes on—"but down (I hope it did not take with it a "caput mortuum, ab initio") to yards, feet and inches, which would lead to endless decimal and vulgar fractions," (*Look!*) "for which no *coin* that I know of would furnish the requisite change: such are the palpable absurdities, &c." Yes indeed, it would be a palpable absurdity, and gross ignorance too, if we did not know that a *half cent* is our lowest current coin, and that *two* is less than *three*!!

I beg some Solomon to tell me what the following refers to—"If it were otherwise." I ask, if what were otherwise?" Perhaps he wants me to divide 10 by 3, and by that means to discover a coin, which will be far more miraculous than the discovery of perpetual motion, or the longitude through an optical glass. I think that the writer of the opinion, and I, would have less "ad infinitum" labour to discover the Philosopher's Stone. At any rate, old grey-bearded time will be compelled to get her lease renewed.

I am afraid I have trespassed on your patience; however, I beg you to remember, I am no scholar—no orator, and only a poor man with a "small farm." I cannot usher to you my ideas on paper, "*in the twinkling of an eye*," nor decorated in a masterly finished *court suit* of "intelligence and ability." No: nor will I borrow the peacock's feathers. You must take my language just as it is—homespun, unfettered, honest and heartfelt.—It goes on.—

"The turnpike road companies would be compelled to employ as gate-keepers, men profoundly skilled in mathematics." And did it take from *Monday morning* until *Thursday* to give us this information? Perhaps the attempt, decimally, to divide 10 by 3, interfered. Does this *question* require "profound mathematical knowledge." If the gate-keeper is authorized to take from me 37½ cents for ten miles, how much ought he to take for *two*? If the Philosopher's Stone would be as easily found, we would all be philosophers *in the twinkling of an eye*. However, if this be the difficulty, I will engage to furnish the road companies with 300 ready reckoners for less than \$20!!! What a saving this would be to the companies and the public! How much time would be saved, and what heart-burnings would be prevented? And for what? the pitiful sum of \$20—nay less. True, constables, lawyers and magistrates would be the sufferers—but the public and the companies would be the gainers.

Again—"The only intelligible and rational rule is, the division, &c." Pray, who are the umpires in this case? Does not the law make the road companies the judges? Not the *writer of the opinion nor me*. The companies place the gates where they please, if not within *one* mile of the city of Baltimore, &c.—If it were not so, would a gate stand (or be fixed) between the house and stable of Mr. Thomas Burford? Would he be compelled to pay as much toll for taking his horse (a few rods) to the blacksmith's shop, to get a remove, as he would be compelled to pay for the whole distance (9 miles) of the road? I think not. I cannot but smile, but will suppose that the companies may think proper to put up a gate on every mile—would I in justice, be compelled to pay for ten miles at the first gate.—*They say* they have a right, but *they themselves laugh* at it as preposterous!! Suppose we lay aside all opinions and all reasoning on the subject, (Judge Nicholson's excepted) and what have we got? He says "for when the gates are fixed, the distances may be measured, and an easy computation *will fix* permanently the tolls to be paid at each!!" The opinion says it would require "men profoundly skilled in mathematics." The judge says it would be an "easy computation." I am much of the same opinion, however, as I intend to make money by the ready reckoner, I will not tell the secret until I get a patent for the discovery that we have no coin "ad infinitum" less than a half cent.

I regret the necessity of a repetition of language used in the opinion, and also by myself—but as I never was so fortunate as to

get my "caput mortuum" brought to a state of "intelligence and ability," nor to be a "correct logician," inside the walls of a college, I am confident you will pardon me for all written errors—those that do occur, must be imputed to the head, not the heart.

The opinion says, "any greater or lesser distance, is the distance between the gates!" There is no gate at the intersection of the Turnpike road and Franklin street. How do they charge then? Is it for the distance between the gates? This I would call a *quibble*. They, however, have resorted to *some*, by many degrees more ridiculous. But to return: we are to pay for no more than "the distance between the gates." The distance between gates No. 1 and 2 is not 4 miles; why not, then, judgment given in my favor for the amount of toll received from me, for a greater distance than between the gates? They charged me for five, and shut the gate against me until I paid (not for the distance between the gates) but for five miles.

I must again refer you to the broad scale of justice—the 31st section. The scale was put up, and I can prove, and if denied, will prove, (by a Justice of the Peace too,) that a gate-keeper was ordered (by his superior in office) to take that scale down!—Does not every one who pays toll for a lesser distance, know why and wherefore this was done?

Attention!—"It would seem to comport with *common* Justice, to receive toll *only* for the distance *actually used*, in a *few particular cases*, such as where a residence *adjacent to the road* is well known, &c;" and was not my "little farm" well known to the parties, and to the Justice too? The *Head* to the opinion says, "it is within two miles of gate No. 1"—Yet judgment was given for defendants! my "ipse dixit" was not of that virgin, pure, chaste and honorable complexion to be accepted.—I was not to be one of the chosen "few." The opinion goes on, "in a few particular cases."—Who is to select those "few particular cases!" I presume the Justice has no more controul over *that* than over where a gate shall be placed. The opinion says, "not by a suit before a justice of the peace!"—Oh! common sense do not blush! but in thy name I will ask, why write and publish an opinion, over which I have no jurisdiction—if it is "not by suit before a Justice of the Peace," why take cognizance of that, of which, in the law's eye, as *I say myself*, I have no knowledge; or, if you please, cognizance.

I will here ask, why not (after the Justice's own offer) give me a copy of the ready written opinion? I was the first to require it,

alter its reading; but I could never get my eye upon it until I saw it in print. I could here "a tale unfold."

I have to ask pardon for the digression—I return to the "few particular cases." Fellow Citizens, is not the justice due to one due to all? We ought to, and I hope will live under and enjoy the blessing of *equal laws*.—I hope—I expect, and am confident, that, even our respected Chief Magistrate, James Munroe, would not be selected one of the chosen few, and poor Isaac Carpenter left an outcast; with others like him, who own "small farms." Our Bill of Rights means something, and is not to be sacrificed at the "ipse dixit" of a little brief authority. However, if it must be so for a short space of time, then it is "first come, first served." Haste, then, to the presidents of the companies, and get enrolled, ye favoured few! we will then know our fate. My neighbour S. will travel 2 miles, and only pay for 2, and I will travel one, and pay for five!—Then all will be well!!! all peace and harmony!!! My opinion is somewhat different, and I think you and I will agree on that subject.

The opinion proceeds—"In all other cases, the mere ipse dixit of the traveller would have to be taken." What then? a citizen of Maryland, when he passes into Pennsylvania, is permitted to pass a Turnpike gate on his "mere ipse dixit," but in his own state, in his own county, nay, living within a gun-shot of the gate, his word will not be taken! True, he may be poor—he may have a "small farm;" but, does that make him a dishonorable man in one state, and a gentleman in the other? How does the metamorphose take place? Merely by stepping across an imaginary line. Do not publish it in Gath! What! an honest man in Pennsylvania, but not at your own door! The subject is too disgusting to dwell upon. I have, however, several documents in my possession, which will prove the fact. Any gentleman desirous, can peruse them.

Again—"It must rest with the wisdom of the Companies, &c." and what to do? Is that "wisdom" to be applied to the creation of a privileged order? A select few? A corps of favorites? It had better be applied to doing *impartially*, and without favor or affection "Justice" to all.

I trust, and believe, there was a purity of motive, and a single eye to justice, on the part of the Justice of the Peace, who gave the opinion. It is granted—but, is it not in open and direct opposition to your opinion? Is it not in flat contradiction to the opinion of hundreds of you, whose signatures to the memorial

obtained the serious attention of your representatives? A list of signatures, which was nearly the length of the Capitol, in Annapolis. It is true, however, some, though not all, owned "small farms"

Your opinion was, that you were aggrieved, that the companies were only entitled to toll for the distance travelled; that, if you lived within three miles of a gate, you were not to pay more than once in 24 hours; and that you should not pay toll when a road was condemned by an inquisition, until legally repaired.

But if the opinion of hundreds of you, fellow citizens, is too light, permit me to put the opinion of Justices Williamson, Morrison, Gourdon, Hook and Griffith into the scale. How does it weigh now? But to remove all doubt, I will put the opinion of the House of Delegates of this State, into the scale. Compare the *supplement* which that body passed, with the opinion!! That honorable body did acknowledge your opinion to be correct, by passing the *supplement*! How does the beam kick now? The opinion of Francis D. Cummins, Esq. is in one scale, and the opinion of hundreds of you, nay more, *five Justices of the Peace*—nay more, the House of Delegates of the State is in the other!! Who then is *mene, mene tekel*? Who is weighed in the balance and found wanting? I leave the decision to an "intelligent" public. I must come to a conclusion. I have, however, to beg your patience a little longer. I have said that I would maintain an opinion of my own while I live. I will give you mine then. At the same time, with all due submission and deference to the opinion of the respectable and intelligent magistrate.

I will then proceed to give you my opinion, but will caution you, although it may be a "caput mortuum" not to suffer it to produce a *pocket ague*, when you see a toll gate, nor hypochondriasis, when you think of "a small farm"

Whereas, then, Messrs. Jacob Steiger, Peter Eisenbrey, and John Stinchcomb, three good, disinterested and faithful citizens of the State of Maryland, did, on the 2d of September, 1819, hold an inquisition on that part of the Baltimore and Reister's-town Turnpike road, between Franklin street and the first gate, and *did condemn* the same; and the said inquisition having been served on the judge by Samuel Frey, Esq. and the said part of the road so condemned, not having been put in good and perfect order and repair; it is therefore *my opinion*, (not official by the by) that it is not legal to *ask, demand or receive* toll, until the road shall be repaired according to law.

I am farther of opinion, (and I defy decent contradiction) that there is not a section, a sentence, nor a clause in the law which authorises *them* to demand toll after the road is condemned, until it is legally repaired.

I am farther of opinion, that common decency should have prevented the publication of the opinion in the public newspapers, after the *authorised assurance* made at Govan's-town, and after its *renewal* by a *President* of one of the Turnpike Road Companies; not only so, but after I was induced to stay proceedings on those assurances. O! shame, where is thy blush! Having now felt the Head, (there is a soft place in it) condemned the Tail, (as useless) and examined the Body.—I would have no objections, if it was lawful, to call it "*Corpus mortuum*."

I must return *you*, Mr. Editor, in behalf of the *public*, my sincere and grateful acknowledgments for your kind indulgence, for inserting my crude, unlettered remarks in your paper, on the *Head, Body and Tail*.

The Editor will please to accept the thanks of the public's humble servant,

JOHN GOWAN.

Baltimore, March 28th, 1820.

A Supplement to the Act, entitled, an Act to incorporate Companies to make several Turnpike Roads through Baltimore county and for other purposes.

SECT. 1. Be it enacted, by the General Assembly of Maryland, that if any toll gatherer or gate keeper of the turnpike road companies, incorporated by the act to which this is a Supplement, shall demand or receive toll, at Gates between which such roads shall be by inquest found to be out of repair, as provided in the twenty-sixth section of the original Act; until such defective part or parts be repaired as required in the same section, such toll gatherer or gate keeper, shall for every such offence, be liable to the like penalty of twenty dollars imposed by the twenty-seventh section of said Act, for exacting greater tolls than allowed thereby, and the fines so incurred, under the original Act and this Supplement, shall be recoverable as small debts are, before a justice of the peace, in the name and for the use of those who may prosecute for the same.

SECT. 2. And be it enacted, that the said several road companies, shall on or before the first day of May next; comply with and perform the duties enjoined upon them by the thirty-first section of said Act, and not already performed, under the penalty of fifty dollars, and the like penalty for every month they shall neglect to comply with the same, which penalties shall be recoverable in the manner herein before provided.

SECT. 3. And be it enacted, for explanation of the doubtful meaning of the thirty-third section of said original Act, that persons living within three miles of any of the said turnpike gates, shall not be liable to toll for passing such gates, more than once in twenty-four hours; and for the exacting further tolls in such cases, the like penalties and recoveries shall be had as for demanding greater toll than allowed by law.

SECT. 4. And be it enacted, that for inquisitions taken upon said roads under the twenty-sixth section of said Act, the following compensations shall be allowed, viz. to the justice for issuing the precept, taking and returning the inquisition, and all other services therein, three dollars; to the constable for summoning the persons directed, twenty-five cents each; to the persons summoned to examine the road, one dollar each, which compensations shall be paid by the Company, if an inquisition be found, and if none be found, the compensation shall be paid by the person or persons requiring such examination of the roads to be made, and shall in either case be recoverable as other small debts are.

SECT. 5. And be it enacted, that whenever the said original Act, extends or applies to any other turnpike road or company, the several provisions of this Supplement shall also extend and apply, and where only the sections herein before mentioned or either of them, have been extended or applied to such road, or company, in such instances the provisions of this Supplement having reference to such extended sections, shall likewise extend and apply.

True copy from the original now remaining in the House of Delegates of Maryland.

JOHN BREWER, *Clerk.*

March 3rd, 1820.

Memorandum. The foregoing was rejected in the Senate on the 12th February, 1820.

JOHN BREWER, *Clerk.*

BALTIMORE AND REISTER'S TOWN ROAD OFFICE.

March 27th, 1820.

INSTRUCTIONS TO THE GATE KEEPERS

ON THE

Baltimore and Reister's Town Turnpike Road.

FROM and after the day of April next, you are to demand and receive from each and every person who has property on, or who resides near the road, and whose residence is *known to the Gate keepers*, Toll for only the distance from his residence, or where he enters upon the Turnpike Road, to the end of your section, charging and allowing for no fraction of less than half a mile. If a man lives one mile within the limits of your section, you will charge him at your gate for four miles, and if he lives one mile beyond the limits of your section, and there is no other gate

to collect the Toll for the mile beyond the limits of your Section, you will charge him for six miles, and so in proportion as the case may be, for any greater or less distance.

Persons living on cross roads, at a distance from the Turnpike Road, *whose residences are known to the gate keepers*, are to be charged from where they enter upon the Turnpike Road, computing their Toll in the same manner as if they resided at the place where they enter upon our road; and persons living on cross roads *whose residences are unknown to the Gate keepers*, must produce satisfactory evidence to them, where they reside, and where they enter upon the Turnpike Road, before they can be admitted to the privileges of known residents.

Persons whose property binds on the Road, and who live within three miles of a Gate, are to enjoy the same privilege as heretofore, of passing the Gate as often as they please, on paying for only one passage through the Gate in twenty-four hours, and are to receive the same abatement of Toll on account of fractions of Sections of five miles of Road not used, as those persons are to receive, who do not enjoy the privilege of the 33rd Section of our Act of incorporation.

With respect to all other persons not herein before described your rates of Toll will remain the same as they now are.

You will receive herewith a Table of Rates on the several articles chargeable at your gates for a half mile, and for one mile, which are to be deducted from, or added to the present rates of Toll, as the case may be.

CHARLES BURRELL,

President of the Baltimore and Keister's town Road Company.

Fellow Citizens,

I am not a learned writer; it is not my profession. You will, therefore, please to accept such plain fare as I can give you, and excuse my errors;—they are of the head, not of the heart.

You stand against a proud and tyrannical party; against an unwarranted assumption of power, and a high toned aristocratical self consequence, and against that powerful engine *your own money*. This has produced a conviction which has brought repentance with it, and remorse for aberrations from the paths of justice. They will not meet you on the level of truth and justice, at the same time your discreet and patient conduct, as good citizens, has not been without its effect.—It has been productive of enquiry: and enquiry is the *soul* of liberty. Through that great blessing reason, given us by Omnipotence, and its free use secured to us by our constitution and laws, we have been enabled to seize the monster monopoly by the horns: We have brought him to his knees, but he must be legally bound, and so confined, that he will not be able to turn and gore us.—Shall a citizen living within

three miles of a gate and travelling *but one mile* on the turnpike road, pay six times a day, and another citizen living on the same road, who travels three miles *as often* as he pleases, pay but once? Is not this gross absurdity? Manifest injustice? A man of common understanding cannot countenance such barefaced inconsistency: It is preposterous!

By your intelligence and independence you have been enabled to check this arrogance.—The managers, (or rather the mis-managers) of the turnpike companies, have usurped a constructive power not only over the law, but over you. By their forced constructions, they have ruined many, and injured all. It would occupy more time than I have to spare, and require an abler pen than mine, to pourtray in their true colours the injuries and injustice which you have so patiently endured. I allude not only to you—the citizens of the state of Maryland,—but more particularly to you stockholders, and to you fellow citizens of Baltimore on whom “the unkindest cut” without even an apology, has been inflicted. It may be asked how? I answer their extravagancies in every sense of the word. What are they? Injurious and ruinous contracts; a perseverance in a weak and selfish policy; extravagant sums paid to lawyers, (and that not the smallest item;) expences of committees to and from Annapolis, &c. &c. &c. and last though not least, that *moth favouritism: licences*—by which, many travel comparatively, Toll Free.

To meet extravagancies and to cover these encroachments on justice, the toll was raised 50 per cent.—Ponder and deliberate! I intend not, I will not give you a portrait in false colours.

Stockholders, have you ever seriously looked at this subject? Citizens of Baltimore, who feel the loss of your country customers, will you have the goodness to give this subject a moment's serious reflection? Is not your internal custom and commerce in a great measure gone? Has it not and is it not seeking other channels? Will you credit it, that a light waggon and four horses with, perhaps, not more than 15 or 20 dollars worth of butter, &c. will be charged \$4 12 $\frac{1}{2}$, toll for travelling 23 miles on a turnpike road and returning? Yet such is the fact. This is what compels the farmer to stay at home, and consequently, compels the citizens of Baltimore to purchase second handed, at an advance price. The labour, time, and expence, of the huckster is an additional charge. Do you not feel it? does not the citizen farmer feel it? But to come to the stubborn fact.—Presume \$4 12 $\frac{1}{2}$ toll; Horses and waggons for two days \$5; and his own

services, rated at \$2 more.—Here is a calculation below the reality, \$11 12½ to be deducted from the 15 or 20 dollars worth of produce that the farmer brings to market!! Is it an object under these circumstances, for him to bring his produce to market?—Common sense will tell us no.—The farmer would prefer selling it at his own door. Proof can be adduced that some now suffer it to perish, sooner than pay the expence of bringing it to market. The farmer when he comes to the city has not an opportunity of storing his goods, they are of a perishable nature. But the huckster has.

If then excessive toll produces these effects, and if our turnpike regulations, not only stop the communication with the interior of our own state, but forces from us the natural communication, —which we would have with our fellow citizens of an adjoining state.—Is it not full time to seek a remedy? Serious reflection on this subject is not only the interest of one, but of all. It is the duty of all:—Not that duty which may be merely *smiled* at,—but it must be religiously, scrupulously, and conscientiously performed.

You will not neglect the appalling consideration, that in 1805, when the act incorporating the turnpike companies, passed the general assembly, flour sold at \$11 per barrel:—what does it sell for now—not 5! Yet 50 per cent has been added to the toll. Is not this a gross insult to common sense and common justice? A multiplicity of questions could be easily asked and as easily solved, on this subject; but it would spin the thread of discussion longer than I intend at present:—Make the enquiry whether or not incorporated bodies, or in other words a combination of wealth, has not been the moth, that has gradually stolen in upon public credulity and is finally consuming its victim. Would not, a monopoly of tinkers, tailors, or even soap-boilers, with a combined capital each of two millions of dollars, like the road companies, under the mask of charter, I say, would they not make you pay more for their articles than they do at present. Monopolies and incorporated bodies are now synonymous terms. They always advance with fair promises and flattering pretences.—They are professedly all for the public good:—but they have ever been the vipers that gnawed on the vitals of republicanism and have drained away its blood.—It may not be amiss to remark, before I proceed further, that those monopolists, after they have once secured themselves in the saddle, by aid of public credulity, put the whip and spur to the very beings, who have been duped to mount them.

You may use efforts to get clear.—You may turn, complain and writhe, but the greater your agony, the harder the lash. Let us for a moment look back and drop a tear on the fall of republics.—We can trace the decline and fall of all of them, to the all consuming power of monopolies and prerogatives consolidated by wealth.—These are what gnawed upon their vitals, and finally destroyed them. They are commenced in flattery and deception, and varnished over with a specious shew of justice; but they conceal the darkest falsehood: what has been the result—slavery. I need only refer to Athens or Sparta, to the rest of Greece, and Rome.—The rise and fall of those republics has not escaped your notice. Monopolies by a sure and steady advance made a breach upon the fortress of their liberty. Their freedom was trampled under the feet of despotism, and chained in the dungeons of tyranny. They soon lost the recollections that they once were free.—At this day they scarcely know, that the humane goddess ever presided over their destinies.

Arrogant monopolists ever have, and ever will look down upon the people as mere “hewers of wood and drawers of water,” fit only for the most menial services.—It is humiliating, but it is too true, that as fast as monopolies advance the people retrograde in their enjoyments.

The great, the heavenly gift,—EQUALITY AND LIBERTY, is thus frittered away, and we soon become abject slaves. By degrees we are brought to the precipice, and seem to forget that we have *power* to resist, until at length, we are hurled into the abyss.—Such has been the fate of all republics, which have preceded us. Our fate is in our own hands, let us be on our guard.—We have taken rapid strides towards a barter of our liberties. They are much more easily lost than won.—Fellow citizens, a monopoly has ever been that “sly slow thing with circumspective eyes,” which “in man’s unguarded hours,” has stolen away his rights. I repeat it, it is monopolies we have to dread. A host of foreign bayonets would but arouse you to a sense of your danger. The virtues, the bravery, the valour, the blood of your fathers, would cause you to surround the sacred temple of *Liberty*, and at the sacrifice of your lives, prevent its destruction.—Monopolies have been the engine the unerring machinery employed to attack your liberties, and when they are countenanced in their extortions, you may well tremble for the existence of the republic.

Shall we then, while only stepping into a state of national manhood, permit our rights and liberties to be gradually filched from

us? I trust not. I am proud to find that our sister states have discovered that monopolies are a cancer on the body politic. The citizens of Maryland are not less intelligent,—not less virtuous, not less patriotic: they will not be deaf to the cries of the widow, and the tears of the orphan. They will not behold with cold indifference such wrongs. They cannot be callous to the bare faced extortions committed on them. These foul and iniquitous speculations must and will rouse the indignation of freemen. We have the right of suffrage, and we deserve to be slaves, if we do not make a proper use of it.—Shew me the people that were not first, either a democracy or a republic and tell me where they are now?—Monopolies have devoured them, and their insatiable maw is not yet glutted. Was there ever a nation which became enveloped in the consuming flames of monopolies but was destroyed in the awful conflagration. The blame is not alone on those who attempt to rob us, but more particularly on ourselves, when we have the weapons; the right of suffrage to defend us, if we permit the robbery; if we surrender our rights, and do not protect ourselves.—The most important political knowledge is gained by comparison: I will not ask you to compare this nation with either ancient or modern Europe. I will only ask you to take a retrospective view of our own history for 35 years, and compare that period with the present. Compare the manners, customs and habits of that day with this. Does it not open your eyes to the direful effects of monopolies! Will it not awaken your keenest sensibilities, for the fate of your liberties. And will it not urge you to a timely protection and defence of them? The bones of your fathers could they speak from the grave, would warn you to preserve them, for it took several years of bloody war, to obtain them.—But let us now come to the printed directions given to the gatekeepers on the Baltimore and Reister's town turnpike road. I will first remark however, that a gentleman of the highest standing at the bar of Baltimore, pronounced the law, incorporating the road companies, a mass of contradiction; and a judge of a court bowed assent. Nay he even went so far as to say, that in one section, that it compelled a man to swear that the road was good, and in another that it was bad.—Such is the law, to prevent the amendment of which, they went to so much trouble and expence last winter. A high and much respected judicial character said, he "would be obliged to seek his way through it." If such be the incongruous verbiage of the law, why exert themselves to prevent its being made plain and intelligible? Why after the supplement

had passed the House of Delegates did they use all their influence to arrest its passage in the Senate? If "a mass of contradiction" why not suffer the proper authority, the representatives of the people to make the language such as could be understood? Why did they wish to retain in it that inexplicable "mass of contradiction" that a judge had to "seek his way through it?" It is because it answers their purpose best by not being understood.— They fatten on its contradictions. The poor man cannot contend with them, his own money is the instrument used to punish him. I will take the liberty of asking the meaning of the following sentence quoted from the instructions to the gate keepers, viz. "If a man lives one mile within the limits of your section you will charge him at your gate, for four miles &c. and so in proportion for any greater or less distance."

Pray does "within one mile" mean the lesser distance and that you must pay for four? or does "within one mile" mean living on the road, and "beyond" mean the country adjacent! Please to compare these directions with the 17th, 20th, 26th, 31st and 33d sections of the law. The 20th fixes the rate of toll at a proportion. The 26th section responds to the 17th and directs the inquisition to be held. The 31st points out in the most explicit language, that index boards shall be put up, at the gates, with the distances of miles, and fractions of miles, marked thereon. And what for? for the information of travellers and others using the road. Do they comply with this section? They do not.— Let me ask where is their tariff? Is it in the pockets or desks of the gate keepers? It may be in the labyrinth of the common law, but on application, it could not be obtained from the throne of arrogance and self sufficiency.—The pinnacle of assumed power and wisdom would not bend to one of plebeian blood. The majestic and lofty ideas of that masterpiece, however, dare not stare common sense in the face. It had no correspondent in him. It sought the shades because its deeds were evil. Nor can the owl bear the effulgence of the sun, at noon day. I will call your attention to the 33rd section. You will find, in it, the *Dough faces*, that scare them. The word adjacent has puzzled the would be wise ones. The law says "within three miles of any of the said turnpikes." How the plain and intelligible word "adjacent" has hobbled these *wise men*? But let us take a cursory view of the law, incorporating the Falls Turnpike Road Company.—What does it say? "For the accommodation of the inhabitants on Jones's Falls and the country 'adjacent.' Shall I insult common sense by ask-

ing; if the country adjacent is on Jones's falls. It would be treating your better sense with contempt. But for the new tariff which is annexed, is it not point blank in the very teeth of the opinion of Francis D. Cummins, Esq? Does not the new tariff lay it prostrate? Does it not in reality make it a *caput mortuum ab initio*? And do not the directions in the new tariff, annul and make void the opinion of judge Nicholson? I conceive they do? Judge for yourselves. As water will find its level, so surely, will truth predominate, when suffered to pass, unshackled and unfettered, by the chains; forged by tyranny, and riveted by ignorance. When Mr. C. Gist, was president of the Baltimore and Reister's town turnpike road, if you resided within three miles of the gate, you had to pay only once in 24 hours. Now if your "small farm" be but a few rods nay an inch, from the road, you must pay every time you pass!!! This is not all.—Your toll has been raised 50 per cent, and your property and produce has fallen more than that in value. I cannot pass this precious *morceau*, in the instruction unnoticed. "Persons whose property binds on the road &c." I will ask the most selfish and bigotted among them, if it be fair, if it be honorable, if it be just, to charge Mr. Jacob Steiger, for every time he may pass the gate, when his property, nay his house, is within less than 5 feet of the road; and his next door neighbour, passes on paying once in 24 hours. Shall we pass over this disgusting scene of injustice without an indignant frown of contempt and detestation. It is hardly possible, however uncharitable, such conduct may be to the traveller, the widow, and the orphan. It is but right; it is but justice; that the truth should be told. We spurn at base acts; but we cannot despise them without knowing that they exist. That you may have a fair opportunity of forming a correct estimate of part of the transactions: the following facts are stated.

The Reister's town turnpike road was commenced in 1805, and finished in 1810. It cost as Mr. Burrel says, in his Report, "The enormous sum of \$638,000. And what for? A distance of 59 miles and a few perches!! Compare this with the expence of making the turnpike road from Big Conococheague to Cumberland. The former cost about \$10,800, and the latter about \$3,000 per mile, making a wide difference of about \$2,800 per mile, which, for 59 miles, would amount to \$165,000. Would not this have been a saving, if prudence and good economy had been used? I now beg your attention to the amount of receipts and expenditures on the Baltimore and Reister's town turnpike

road, from November 1812. The receipts and expenditures of the previous years, were omitted, in the report to John E. Howard, Jun. Esq.—The dividends of those years thus omitted, you will find however, in a subsequent page. You will also find the dividends of the Frederick and York turnpike roads. Had those receipts and expenditures been published, there might have been a cloudless sky. A tale yet untold that would open the eyes of the most willingly blind. It is hoped that a developement of the whole transactions will be called for at the next session of the Legislature, are the Companies not bound as public agents to report the amount of receipts and expenditures, as often as required by the Court of Inspection. *See the 23rd Section of their Charter.*

However, before I give you the table, I think it not amiss to remark, that, on a certain occasion, on one of the roads, the bill charged for horse and gig hire, &c. was about the amount of the bill for the repairs on the road.—There was no inquisition held.—No legal investigation? The act was voluntary, and the tolls had to pay for the pleasurable jaunt.

DATE.	RECEIPTS.	EXPEN- CES.	DIVI- DEND.†	BAL- ANCES.	REMARKS.
Nov. 1812, } to Nov. 1813, }	\$46,533 91	\$12,500 96	\$19,140 00	\$14,812 95	What became of this balance.
Nov. 1813, } to do. 1814, }	27,326 06 } *14,812 95 }	15,097 52	12,760 00	14,281 49	Do. in 12 months.
Nov. 1814, } to do. 1815, }	38,486 96 } *14,281 49 }	9,509 67	38,280 00	4,978 78	Do. in 12 months.
Nov. 1815, } to Aug. 1817, }	68,464 81 } *4,978 78 }	23,898 36	38,280 00	11,265 23	Do. in 14 months.
Aug. 1817, } to Sept. 1818, }	60,515 65 } *11,265 23 }	20,890 29	38,280 00	12,610 59	Do. in 12 months.
Total . .	\$286,665 84	\$81,976 80	146,740 00	\$57,949 04	

What has become of these balances, which appear to have been annually retained? Would not this first balance retained, have produced a better and more christian dividend than was made from July 1818 to July 1919. Seek and ye shall find, is a maxim of Holy Writ. Let me ask, ought not all incorporated bodies, to deduct all expences before they declare a dividend? You fellow citizens, and you stock holders, will not pass unnoticed an evident fact, viz:—that a dividend was declared in May 1813, of 3 per cent. That there was none made, in the November following; and that,

* Retained balances. † On \$638,000 the cost of the road.

consequently the whole receipts, on the road, for tolls from May 1813 to May 1814, lay in the pockets of certain persons. The old balance should have been included. It is a naked case!—Please also to refer to the 24th section of their charter.—It says, “they shall make a dividend of the clear profits and income, &c.” Look at 1813—14. Would not \$42,000 be a pretty little play thing? It would not make a certain kind of BARBERS angry, although they might look sedate! Please bear in mind, that a dividend was made in 1807, of ten per cent. This was three years before the road was completed. But let us look at this farce!

In 1807, a dividend of—10 per cent.		
1808,	do.	of— 8 do.
1809,	do.	of— 6 do.
1810,	do.	No supper.
1811,	do.	And worse.

Look at this picture. Do not these things prove incontrovertibly, that there is something rotten, “Not in Denmark,” but nearer home. Whether many of the transactions arose from a disposition to be fraudulent, or from imbecility, is not the question to be discussed at present. The widow, the orphan and the unsuspecting may not know the cause; but they feel the effects. Did it originate in the *dark arcana* of stock jobbing? It appears, from the list of balances, if I am correct, that there was an average sum of more than 11,500 dollars, retained each year, for five years.—Sums retained previously, we have not the documents. Would not even the annual interest of that sum, have been a decent support for some lonely widows, or helpless orphans. *Such are stock holders.* The subject under consideration, is not one of minor importance. It is interwoven with the first and greatest principles of republicanism. Are there not many that profess religion, faith and republican principles, that can be bought and sold like oxen at the stall. It is not, to such, the appeal becomes necessary. It is to those that have a virtuous love of country: Not to those whose patriotism, faith and religion have their existence in the mammon of unrighteousness. It would be wrong for such creatures to pluck the garland from honor, candour and truth. It is a pity that the brightest talents are some times made subservient to the basest purposes. Julius Cæsar enslaved his country. But Washington saved his. There is an item in the catalogue which cannot be passed over unnoticed. Bear in mind,

that in May 1812, a dividend was declared by the managers of the Baltimore and Reister's town turnpike of thirteen per cent for the six months preceding. What next? They issued certificates of augmented stock,

For ten per cent out of the thirteen, say	\$63,800
Eight years interest on this sum,	30,624
Original capital,	638,000
	<hr/>
	\$732,424
	<hr/>

Was stock subscribed for to the amount of \$638,000 and paid in, or were the tolls unaccounted for from May 1807, to May 1812, appropriated to make up the deficiency. If so we pay so much to make the road and the interest on it, and not only so but the augmented stock of \$63,800 and the interest on that: If the stock \$638,000 was paid in why augment it? It may yet come out.

Please to refer to the pamphlet of John E. Howard, Jun. Esq published by Mr. Joseph Robinson, and you will there find that one road report points out candidly the amount of stock paid in, and the times when it was paid. It also states that \$9,300 of the tolls went to finish the road, the other two are silent on both these material points.

Let us see what was the expence of the Bank road. Mr. Elliott says the contract for 58 miles was 460,000 dollars. Allow 60 miles, and the sum to be 476,000 dollars, then it cost 256,424 dollars less than the Baltimore and Reister's town road.

What economists!! what financiers!! The interest of the sum would be more than 15,300 dollars annually. But suppose you pass over the retained balances, which amount nearly to 60,000 dollars. A dividend of 146,740 dollars was made in five years, which in the same ratio, would produce a dividend of 352,172 dollars in twelve years. But let us take another view of this part of the subject.

In 5 years the receipts and retained balances were	\$286,665 84
In 5 do. the expenditure was	81,976 80
	<hr/>
Leaving a balance for five years to be divided—of	\$204,689 4
	<hr/>

Which in 12 years would produce in the same ratio, the neat sum of \$491,253 69, more than 60 miles of the Bank road cost.

Does not this speak louder than words? If this be correct the neat tolls already paid, amount to more than the Baltimore and Reister's town turnpike road would have cost, if it had been made with economy. What would have been the consequence? Instead of raising the toll 50 per cent, could they not have reduced it that amount. If similar calculations were made with regard to other roads, is it not to be feared they would be found wanting? It is not criminal to repeat truths, if their statements are such. The dividend of the Baltimore and Reister's town turnpike, in January, March, and July, 1818, was $8\frac{1}{2}$ per cent, or 17 per cent per annum.—What next? No dividend from July 1818, to July 1819!! No; not a cent. Is there a human being, endowed with common sense, who cannot penetrate through the haze of such transactions:

From July 1818, to July 1819, no dividend: No, was plaintively sung to the tune of "lie still and slumber." And whilst they were singing it, the long visages and downcast looks, of these monopolists, were as perceptible, as a total eclipse. But suppose we ask this question, (it is hoped it will not offend the knowing ones.) Could the rapidity in making three dividends and the amount of those dividends, have been a stock jobber's business? They are expert after their game, and seldom miss their mark. Like the venomous spider, they spread their net, and are prepared to entrap the unwary.

Stock jobbers know how to play their game. They know how to pack the cards upon the unsuspecting and innocent beings that enter their dominions. However it is their trade, but the public should be on their guard.—A new edition of the old volume entitled "Cunning and Deception," may be shortly expected from the press, of——

Let us abandon this scene,—we will recur again to facts. Mr. Charles Burrell in his Report to John E. Howard, Jun. Esq. complains of evasions. Pray who occasions those evasions? Does not the compulsion originate with men, whose insatiable cupidity, would divide $1\frac{1}{2}$ per cent per month, or at the rate of 18 per cent per annum? That Report goes on to state, "It is to be regretted, that the produce that should naturally pass on this road throughout the whole year, could not be subjected to a *reasonable toll*."

Precious confession!! What not the produce "subject to a reasonable toll?" In spite of the highest polished sophistry, of falsehood and error, they will shew their gorgon heads.—"Murder will out." It is stated in that Report, that eight out of ten

waggon, coming down, evade the road, for eight months in the year.—Has it not arisen from a foolish and absurd policy? And are not the few that do travel the road, compelled to make up the dividend, which might otherwise be equalized? To obtain that justice, which is your right, complaint was made to David Morrison, Esq. requesting an inquest on the Baltimore and Reister's town turnpike road, it being out of repair. A former inquest was adjudged informal, and another not acted on.

By experience we received a lesson. This inquest was held on the 25th of May 1820, and served on the gate keeper as directed by law: He stopped taking toll for about four hours, when he again commenced to demand and receive toll, alledging that the road was sufficiently repaired.—The fact was, and is, in direct contradiction.—Do you not know it? yes, and feel it too.—True they made a small channel to carry off the stagnant water, which Mr. Stouffer, a health officer, pronounced a nuisance. A warrant was taken out for the gate keeper, for toll, taken from me on the evening of that day, which was returned before D. Morrison, Esq. the same justice who held the inquest. On the trial, if it can be so termed, I was not permitted to give the law.—Nor would he hear testimony legally summoned. The testimony however of the superintendant of the road, (who said he was accountable, if it was not in repair,) as well as that of two other persons, long in the employ of the company, was admitted. Questions put to this *ex parte* evidence, (if it deserves the appellation of evidence,) were not suffered to be answered; when put by the plaintiff. There were present, not only the venerable president, but the secretary, and a number of stock holders; whose conduct was considered extremely indecorous, by many that were present.—Judgment was given against me on the ground, that there was no cause of action!! It was then advised that I should take out a new warrant. It was returnable before William G. Hands, Esq. It was also advised to notify Francis F. Dallam, Esq. in legal form, to hold an inquest on that part of the road, found out of order by the former inquest. This was thought the most effectual way to prove, that the road had not been repaired. He and the inquisitors met, on the 5th of June, 1820. They were sworn in form, well and truly, to enquire, whether the said turnpike road, from the commencement to the termination herein before mentioned, or any part thereof, so as aforesaid complained of, was in such good order and repair as is required by the said

recited acts of assembly. They say in their enquiry, that they do upon their oaths aforesaid, make return and say, that it was in evidence before them on the oath of David Morrison, Esq.—Let me ask, was not the testimony of a number of respectable witnesses, on the part of the public refused. And is not the following the substance of the enquiry made.—That David Morrison, gave it in evidence, that an inquisition was held on the road, on the 25th of May, and that it was condemned.—That they ceased to take toll on the 26th. That a warrant for three cents, (John Gowan *vs.* Elijah Miller, gate keeper, for taking toll on the same day,) was heard by him, and that he heard evidence on that trial.—The returned inquisition says, “we are of opinion, that it is illegal and out of our official duty, to express an opinion on the state or quality of that part of the aforesaid road.” It will thus be perceived, that they in their *official capacity*, as inquisitors, have not said, whether the road was good or bad.—Whether it was, or was not in legal repair: yet they were sworn so to do; and what seems to me strange is, that the report was not finally completed for some days after holding the inquisition.

I would here ask any reasonable man, and particularly those acquainted with this road, if in the short time of four hours, this road could have been placed in such a state of repair, as to admit of the receipt of toll. If this road require but the short period of four hours to place it in a state of repair, I would ask, why prevent and not meet a candid and fair investigation, why resort to quibbles and forced constructions of the law, why such a large number of them appear there: No, they well knew that it required their united interest and influence to keep it off.

This road was *not* in a state of repair; and instead of four hours, it would have taken *four or five days* to have placed it in such order and condition, as would be required by law, with the number of hands at that time employed. Shall the community at large, and particularly those, who from necessity are compelled to frequent and use this road, be obliged to pay that for which they receive no value? and shall so frivolous an excuse be offered to the public, that four hours has been devoted to the repairs of this road? That it is in excellent order, and fit for the inspection and use of the public! If it should be admitted that the repairs were sufficient, why object to the investigation of the different witnesses upon the ground, of its being illegal, as 15 days had not elapsed since the last inquisition? No it would at once have explained the circumstances of the whole case, and thereby have subjected the

company to much inconvenience and expence. To afford a fair view of this case, I shall state the expences attending the repairs of this road. It is 59 miles and a few perches long; and cost for repairs in fourteen months to May 1820, 77,000 dollars, or 1300 dollars per mile, equal to 5500 dollars per month. Three miles were condemned, and cost in eight months the following sums, viz. The first mile cost 47 dollars, the second cost \$220 25; and the third, cost \$214 73 Total for three miles, \$481 98; that would be for one mile \$160 66. If one mile cost 1300 dollars, three miles will cost 3900 dollars. That part of the road condemned for three miles cost \$481 98 leaving a balance according to their own calculations, of 3418 dollars for three miles; or 1139 dollars a mile. At gate No. 1, the amount of toll received is nearly equal to the amount received at the other gates. It is therefore, reasonable to suppose, that this part of the road, which is so lucrative, would be kept in far better repair than any other part, and particularly when it is adjacent to our city, and becomes more conspicuous than the other portions of the road: and most willingly do I appeal to those persons that are in the habit of passing this road, if the late bad order, and indeed, its present state, does not deserve the epithet of a dangerous and bad road, leaving a turnpike out of the question. From strict enquiry and mature reflection, I am satisfied that the amount of 2000 dollars a mile, appropriated to the use of this road, with economy would place it in a perfect state of repair. The distance condemned is but trifling, yet it requires labour. It has and may be urged on the opposite side, that hands are constantly employed in the repairs. But I would ask, how many are employed in the repairs? The *great number of four* at times, for the space of ten miles. This must, indeed, forward the work, and enable the company to complete the repairs in the short period of *four hours*. This observation may create some surprize, but with those who have heretofore, and daily pass this road, there will be no doubt. I would candidly ask, is my statement correct, or is it not? to them I appeal. — The circumstances which I have explained and laid before the public, must afford to every individual some interest, and particularly those who come within the power of these companies. To give a proof of the interest this case has excited, I refer the reader to the following document, which was left at 'squire Sticher's office.

BALTIMORE, May 16th, 1820.

To prevent an execution from being served on E. Miller, in my absence, I, in the presence of Mr. Nicholas Strike, paid to John Stitcher, Esq. Two Dollars and Sixty and one quarter cents, it being the amount of said Stitcher's judgment against Elijah Miller, keeper of Gate No. 1, in favour of John Gowan. The costs of suit being included in the above sum, previous to my paying the money, I, as president of the Baltimore and Reisters' Town Road Company, and in behalf of E. Miller, protested against the Judgment as being incorrect, illegal, and unjust; that I considered it a great grievance; and that I applied for an appeal, and expressly reserved all *legal* and *constitutional* rights to seek redress, either by prosecuting for an appeal, or by *applying to the Governor and Council*, or to the *Legislature*, &c.

CHARLES BURRALL.

By this document it will appear, that Mr. Nicholas Strike is conspicuous as an evidence. Could it be for the purpose of intimidating the justice, if so they missed their object. Please refer to their conduct before W. G. Hands, Esq.

In noticing the decision of the Court of Appeals, with due deference to the honourable court, I would beg leave to insert the 33rd section of the law. The court declare they see no reason to doubt; but I must confess I doubt the correctness of their opinion, for the law is too plain, on this subject, to be mistaken; and admits but of one construction, and that I humbly conceive, is very different from their decision, and the first practice of the company was conformable to my opinion. SECTION 33. "*And be it enacted*, that it shall not be lawful for any of the said companies, to ask, demand or receive, of or from any person or persons, living on or adjacent to the said road, within three miles of any of the said gates or turnpikes, any toll for passing the said gate more than once in twenty-four hours."

COURT OF APPEALS, JUNE TERM, 1820.

SAMUEL OWINGS, of SAMUEL, <i>versus</i> THE BALTIMORE and REISTERS' TOWN TURNPIKE ROAD COM- PANY.	}	Buchanan.—I delivered the Court's Opinion in this case, which depends en- tirely on the 33d section of the Act in- corporating several Turnpike Road Com- panies. The Court see no reason for doubt.
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The privilege accorded by that section to persons residing on, or adjacent to the Turnpike Road, within three miles of any Turnpike Gate, by paying once in twenty-four hours, must be confined to persons who reside

on premises which lie on and touch the road within three miles of the Gate, and cannot be extended as contended for by the appellant, to those who reside any where within a circle of three miles round the gate, whether they reside on premises which touch the road or not.

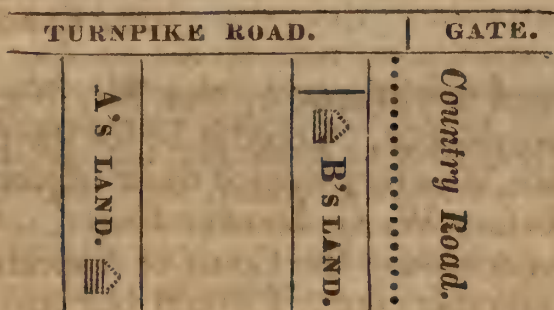
The Judgment of the Court below, is therefore affirmed with costs.

True Copy,

Test,

THOMAS HARRIS, *Clk. of Appeals, W. S.*

Let me state a case and illustrate it by the following diagram. It will go far to shew whether the legislature ever intended such a construction of the law.



A lives three miles from the gate but his land runs to the road; B's land is within 20 feet of the road, and his house within 20 feet of the gate. Now B's land neither touches the road, nor does he live on the road, being 20 feet from it. But by this decision A who lives three miles from the gate, pays but once in 24 hours for passing this gate, although he travels the road 3 miles before he comes to the gate, because his land touches the road.—Yet B, who lives within 20 feet of the road and the gate, is compelled to pay every time he passes.—Monstrous absurdity! It is sophistry all. The legislature never contemplated a construction fraught with so much injustice. If any other evidence of the intention of the legislature be wanting than the plain English of the 33rd section of the law, I beg leave to refer my readers to the Supplement before mentioned, page 20.

In taking leave of the public, it is my duty to state, that it has been urged on the part of many individuals concerned in the turnpike road, that motives of enmity towards their secretary, has induced me to come forward on this subject. It is not so, motives of a different nature have instigated me. A desire to serve my fellow men, to prevent impositions, and to avert the sufferings of poor men like myself, has been the sole cause. If I have injured the interest of a few wealthy members of society, I cannot

regret it. If aided by the committee, I have served those who depend on the sweat of their brow, for the subsistence of themselves and families; it will afford me the sincerest satisfaction and pleasure.

JOHN GOWAN,
Secretary to the Baltimore Committee.

I hereby subjoin a letter received from *William G. Hands, Esq.* with the proceedings in this Case, viz:

BALTIMORE, 10th June, 1820.

MR. JOHN GOWAN, SIR,

In compliance with your request, and my duty to furnish copies of proceedings in my official capacity, I now send you the following:

I am not disposed to interfere in the *controversy* between you and the *Reister's Town Turnpike Road Company*. I am advised, however, by several worthy friends, who are of opinion, that *disingenuous* means are used to excite unmerited prejudice against me, for having acted as I thought proper in your suit against *Elijah Miller*, to give publicity to my proceedings, in order that the disinterested, and, therefore, honestly judging part of my fellow citizens may know the truth, and be thereby enabled to judge correctly. The relative circumstances have, no doubt, been *represented* by *president Burrall*, and *two other large stockholders*, who attended the examination, so as to suit their own purposes, and make me an object of censure by those who render judgments on *Ex parte* evidence. The truth is, I have only done what I *conscientiously* believed, under all circumstances of the case, to be my duty, disregarding the *interest* of either party.

Whether the matter was *coram non judice*, or not, is a question which I shall only leave to the decision of such men as exclude from their deliberations, *prejudice*, and *self-interest*, and make up their minds from plain matters of fact. *Mr. Burrall* and *others*, who boast of having "tied the hands of Justices" by the writ of *Certiorari*, are but illy calculated to do *impartial* justice in cases where their own interest is concerned.

The opinions of those eminent Counsellors at Law, *Mr. Pinckney* and *General Winder*, that magistrates have *no jurisdiction* against *Turnpike Companies*, are duly respected; but as they are *mere opinions*, subject to future judicial test, it is conceived to be the duty of magistrates to continue to act until their jurisdiction is retrenched by a superior tribunal, to whose decisions all should bow in respectful submission.

In the City of Baltimore, thank God, there is no *political* or *religious Inquisition* to compel men to act contrary to good conscience; although there certainly exists among us a *monied Aristocracy* so inclined. *President Burrall* and his *aids* have not got the liberty of speaking and acting freely and independently—locked up—only to be dealt out to suit their *own convenience*. It is true, they repulse with an *inquisitorial frown* such as feel a pride in exercising those Republican rights and privileges guaranteed by God to every human being, and by our glorious Constitution to every American.

As in commercial commodities, these gentlemen have not succeeded in monopolising the minds of all magistrates, and bending them to suit their own purposes, right or wrong. The president is, therefore, invited to "institute suits" against those who have dared to think and act independently, as soon as he pleases. The frightful *Hydra* may encounter a *Hercules*.

Respectfully,

WILLIAM G. HANDS.

NOTE OF PROCEEDINGS before WILLIAM G. HANDS, one of the Justices of the Peace of the State of Maryland, in and for Baltimore County.

JOHN GOWAN

vs.

ELIJAH MILLER,

} Warrant to answer in a plea of debt.

In this case, an action was brought by the plaintiff on the ground that the collection of tolls had been resumed at the first Gate on the Reister's Town Turnpike Road, before certain parts were repaired, which had been legally condemned by an Inquisition.

The warrant was returned, *Cepi*, on the 30th day of May, 1820. The defendant appeared, and the trial was ruled for the 1st day of June, at 4 o'clock in the afternoon, when the PLAINTIFF and PRESIDENT Burrall attended, (the latter appeared for the defendant by consent) with some of their witnesses. The president having voluntarily took an oath of his own administering, that owing to the absence of a material witness on the part of the Defendant, he was not ready for trial, it was postponed to next day, and ruled for 4 o'clock in the afternoon. The president accordingly attended with all his witnesses, except one, and several stockholders, a little before 3 o'clock.— The PLAINTIFF also attended at about half past 3 o'clock, and alledged, that in consequence of the extreme illness of his child, a consulting Physician had been called in, and his immediate presence rendered necessary at home, which would prevent his attention to the trial at the appointed hour, leaving it discretionary with the Justice, either to enter judgment against him, by default, or postpone the trial. At this time, the man's appearance really indicated deep distress, as must naturally have been the case with any affectionate father under a similar circumstance. It was, therefore, thought indelicate to swear him as to his child's illness, notwithstanding the charge of "hypocritical pretence" unfeelingly made by the venerable president to induce the administration of an oath. When the hour of 4 o'clock had arrived, the president demanded judgment by default, which, after a few words of discussion, was rejected: first, because the plaintiff's excuse was a reasonable, if not a legal one; secondly, because in the opinion of the justice, oppression was attempted by a corporate body against an individual; and that too when he was absent, as he believed, to pay the last earthly tribute of affection to the departing breath of a beloved child; and thirdly, because the justice resolved not to be domineered into an act which no man of the least feeling or honour, much less one of official independence would have done under similar circumstances. The president shewed much warmth of temper, and retired, attended by the stock holders above alluded to, applauding him for his zeal in their mutual cause, and execrating the justice because he dared to be independent. The justice afterwards addressed a note to president Burrall in the following words:—

Sir,

You will please to take notice, that I shall proceed to try the above cause, on Monday next the 5th instant, (June) at 4 o'clock in the afternoon, when you will attend, if you think proper so to do."

(Signed)

W. G. HANDS.

In answer to which note, the *president* called and signified his determination not to appear in the cause again. *New summonses* were then issued, requiring the attendance of all the witnesses, at 4 o'clock in the afternoon of the 7th day of June, in order to dispose of the *warrant*; but none of those on the part of the defendant came before further proceedings were prevented by the service of the writ of *Certiorari*.

I subjoin the Certificate of the attending Physician.

On the 2d day of June, 1820, Mr. John Gowan's child, was taken suddenly and dangerously ill. I was in attendance during the greater part of the day; Dr. Allender was called, in consultation. I perfectly well remember, that the family was in great agitation and trouble, so as to prevent Mr. Gowan from attending to his business.

JOHN CHAPMAN.

Sept. 10th, 1820.

FINIS.

Account of Dividends declared on the Baltimore and Reister's Town Turnpike Road Stock, from the year 1806 to the year 1819, inclusively, viz:

DATE.	PER CENT	REMARKS.
1807 May.	5	
November.	5	
1808 May.	5	
November.	3	
1809 May.	4	
November.	2	
1810 May.		No dividend.
November.		No dividend.
1811 May.		No dividend.
November.		No dividend.
1812 May.	13	Ten per cent. of this dividend was used in completing the
November.	3	road and paid to the stockholders in certificates of aug-
1813 May.	3	mented stock, and three per cent. in money.
November.		No dividend.
1814 May.	2	
November.		No dividend.
1815 May.	3	
November.	3	
1816 May.	3	
1817 January.	3	
July.	3	
1818 January.	3	
March.	3	
July.	2½	
1819 January.		No dividend.
July.		No dividend.
	68½	

It appears by the foregoing statement that from 1806 to 1820, fourteen years, the company have divided 68 1-2 per cent. which averages only 4 9-10 per ct. pr. annum.

IN TESTIMONY that the preceding statement of dividends is correct, I hereunto subscribe my name and affix my seal, the thirtieth day of December, in the year of our Lord one thousand eight hundred and nineteen.

JOHN F. HARRIS, Sec'ry. (SEAL.)

Account of Dividends declared on the Baltimore and Frederick-town Turnpike Road Stock, from the year 1806 to the year 1819, inclusively, viz:

DATE.	PER CENT	REMARKS.
1807 November.	3½	
1808 May.	4	
November.	3	
1809 May.	3	
November.		No Dividend.
1810 May.		No do.
November.		No do.
1811 May.		No do.
November.		No do.
1812 May.	12	Ten per cent. of this dividend was used in building the
November.	2	bridge at Monocacy, and paid the stockholders in stock,
1813 May.	3	and two per cent. in cash.
November.		No Dividend.
1814 May.	5	
November.	2	
1815 May.	3	
November.	3	
1816 May.	3½	
November.	3	
1817 May.	3	
November.	3	
1818 July.	2½	
1819 January.		No Dividend.
July.	3	
	61½	from 1806 to Jan. 1820, being 14 years, the average is about 4 4-10 per cent.

It appears from the foregoing statement, that from 1806 to 1820, 14 years, the company have divided 61 1-2 pr. ct. which averages only 4 4-10 pr. ct. p. annum.

IN TESTIMONY that the preceding statement of dividends is correct, I hereunto subscribe my name and affix my seal, this thirtieth day of December, in the year of our Lord one thousand eight hundred and nineteen.

JAMES NEILSON, Sec'y. (SEAL,)

SECRETARY'S DEPARTMENT.

Office of the Baltimore and York town Turnpike Road Company.

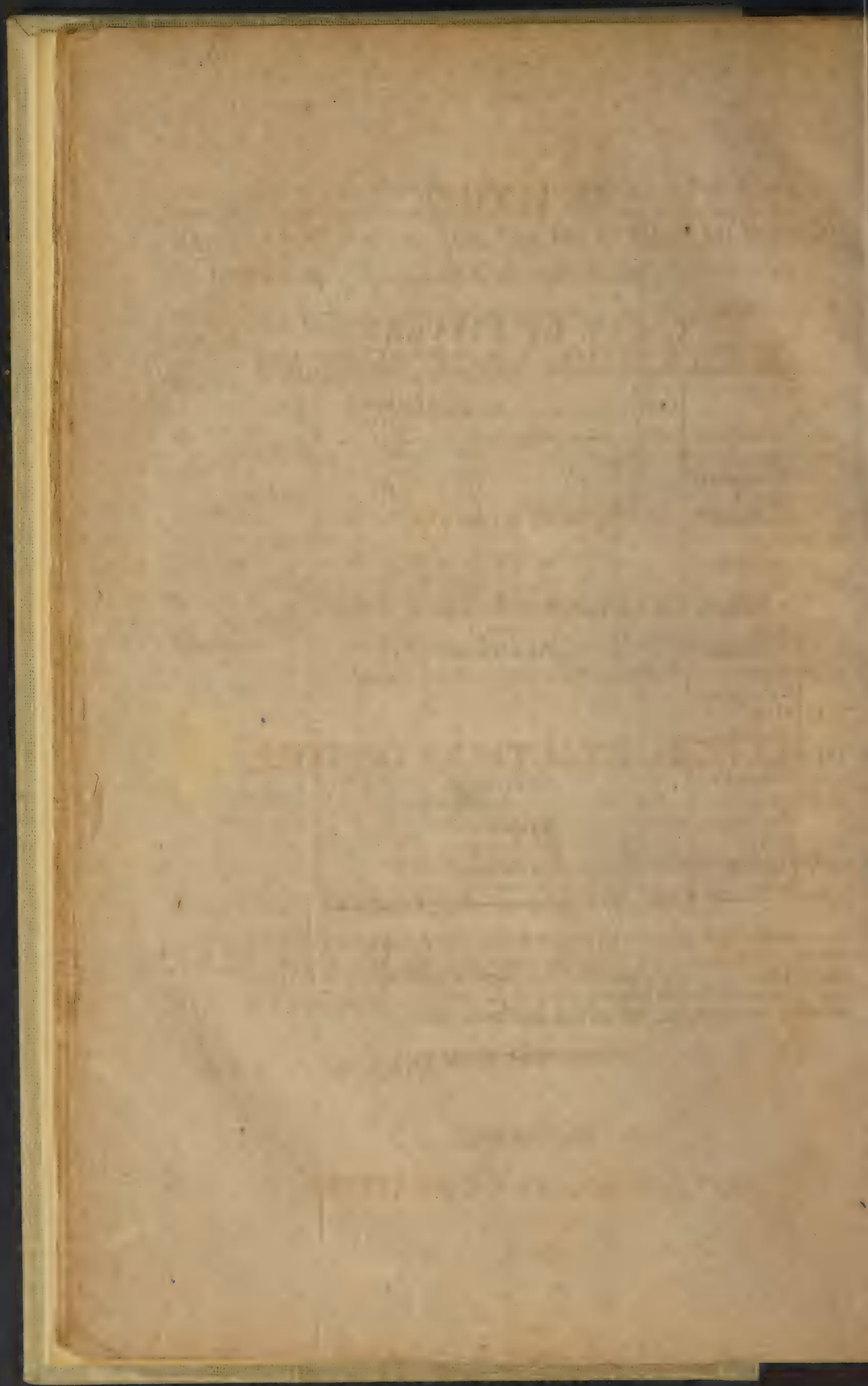
*Baltimore, 29th December, 1819.***TABLE OF DIVIDENDS.**

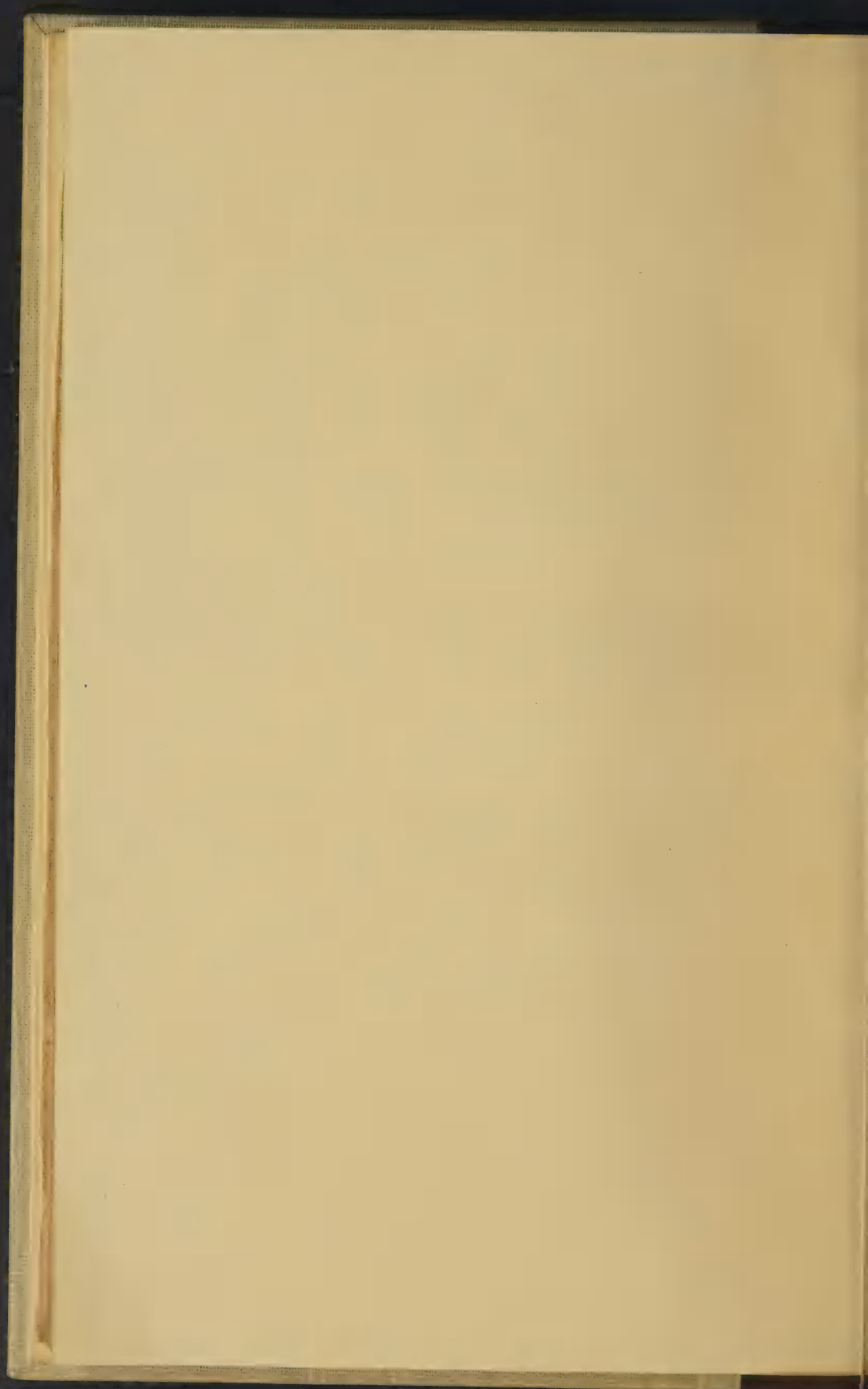
DATE.	PER CENT.	REMARKS.
1809 May.	3	
November.	3	
1810 May.	2	
November.		No dividend.
1811 May.	3	
November.		No dividend.
1812 May.		No dividend.
November.		No dividend.
1813 May.	2½	
November.		No dividend.
1814 May.	2½	
November.	2	
1815 May.	3	
November.	3	
1816 May.	3½	
November.		No dividend.
1817 May.	4	
November.		No dividend.
1819 July.		No dividend.
1819 January.		No dividend.
July.	3	

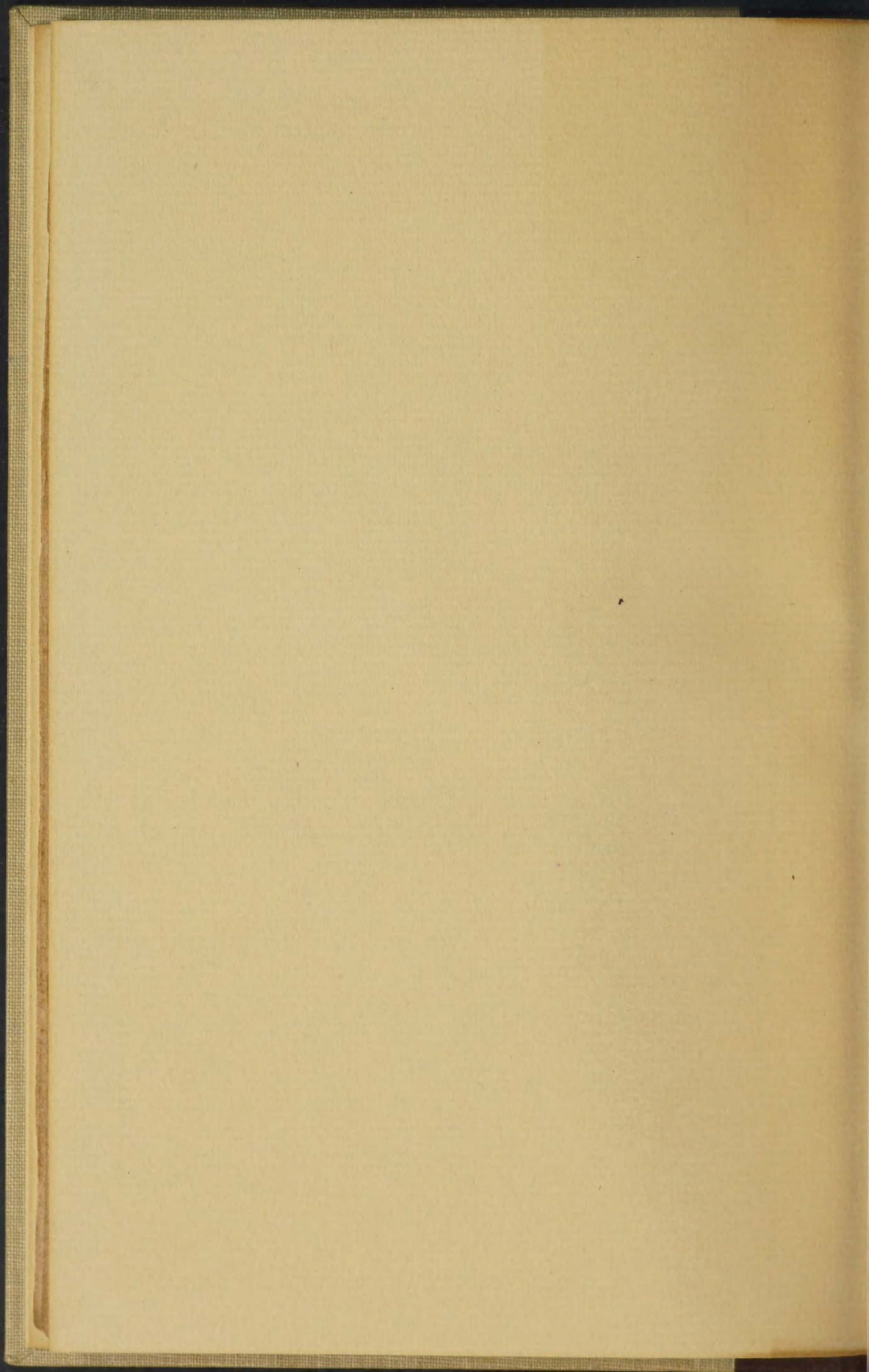
The foregoing is an entire exhibit of dividends declared on this stock, which do not exceed an average interest of *three per centum per annum*; being from May 1808, to January, 1820.

In TESTIMONY that the preceding is a correct statement of dividends, I have hereunto set my hand and seal, the day and year above written.

WM. G. HANDS, *Sec'ry.* (SEAL.)







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